

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
FIFTEENTH DAY
SEPTEMBER 16, 2003**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND DONNA CATALANO, COURT REPORTERS

[THE MEETING WAS CALLED TO ORDER AT 9:30 A.M.]

D.P.O. CARACAPPA:

Will the Clerk, please, call the roll.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILOLO:

(Not Present)

LEG. GULDI:

(Not Present).

LEG. O'LEARY:

Here.

LEG. VILORIA-FISHER:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

Here.

LEG. ALDEN:

(Not Present)

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

(Not Present)

D.P.O. CARACAPPA:

Here.

P.O. POSTAL:

(Not Present)

LEG. CARACCIOLO:

Here.

MR. BARTON:

Ten present.

D.P.O. CARACAPPA:

Thank you, Mr. Clerk. Will everyone please rise for a salute to the flag, led by Legislator Tonna.

(Salutation)

D.P.O. CARACAPPA:

Please remain standing. I'd like to introduce Legislator Ginny Fields for the introduction of today's clergy.

LEG. FIELDS:

Thank you. I would like to introduce Pastor Angel Falcon, who has given us the ability to hear him this morning to lead us in prayer. He founded the Faith Alive Ministries, which is a nondenominational church in Central Islip 11 years ago. He's been a resident of Central Islip for over 30 years, and Pastor Falcon is the Vice President of the Central Islip Church Alliance. Pastor Falcon.

PASTOR FALCON:

Thank you, Ginny. I am honored to be here today. I certainly realize, I just turned 49 years old, and I just realized not too long ago how important our government is in the sense that there's a lot of things happening.

I just want to briefly just tell you that, probably in the Gulf War, I learned something really, really unique, and that's that there was a lot of things happening at that time. We know that, CNN was in our living room constantly. And I learned one thing. A lot of people had break time. Seems like that's the most political time that, you know we're addressing, "Oh, what should we do," "What shouldn't we do," and all that stuff. And I realize a friend of mine was making his comments, "And if I was President, I would do this," "If I was Congress, I would have done that," and I just really pondered upon, and I blurted out, "You can't even balance your own checkbook, you're going to run our government."

I am honored today to be here, and I am very grateful for the sacrifice and the commitment that these Legislators do every day, and it's because of that that I'm here today. I had a lot to do, but I'm honored.

Heavenly Father, I would ask that you would continue to graciously pour out your rich blessings upon these individuals who have been called to serve the district they've been called to and elected by. I trust that you would give them the courage, the bonus, and the wisdom to bring about the changes may be necessary and just to redefine everything that has to be helped and done. I am ever thankful, and for that, Father God, I ask that you greatly bless this union in Jesus' majestic name. Amen. Thank you very much.

LEG. FIELDS:

Thank you.

D.P.O. CARACAPPA:

Please be seated. We have a few proclamations members would like to present. First, I'd like to introduce to the podium Legislator Bill Lindsay.

LEG. LINDSAY:

Good morning, everyone. This morning, we really have a rare treat at the horseshoe. It's very frequently we get the opportunity to pay tribute to some of our youth athletic teams winning championships, but this morning I have the distinct honor of saluting two scholastic teams from the same high school, and both female teams. All right? Could the beautiful young ladies from Sayville please stand up?

(Applause)

I introduce to you the Suffolk County and the Long Island Champions in golf and softball.

(Applause)

Could the two coaches come forward, Jennifer Whitman and Tim Dillon? Jennifer, I might add, was named Coach of the Year in Suffolk County.

(Applause)

Congratulations. I thank you for coming here this morning, and good luck, and defend your championship this year. Thank you.

D.P.O. CARACAPPA:

I'd like to introduce Legislator Angie Carpenter for the purpose of presenting a proclamation.

LEG. CARPENTER:

Thank you, Deputy Presiding Officer Caracappa. I would like to call up to the podium two women that I think are going to be familiar to a lot of you, Ginny Regnante, the President of the West Islip Breast Cancer Coalition, and Fredi O'Connor, if you would join me.

This morning, we're stopping to recognize ten years that the West Islip Breast Cancer Coalition has been advocating for and trying to make a difference in helping to eradicate the disease of breast cancer. These women have been proponents for research and advocacy. They have worked tirelessly to bring this issue to the forefront, and it started in West Islip for Suffolk County with a mapping project and the formation -- in the formation of the West Islip Breast Cancer Coalition. So I would like us to pause and recognize them on behalf of their efforts. They truly are exemplary leaders of this great County of ours. Ginny, Freddy, congratulations.

(Applause)

MS. REGNANTE:

Thank you all very much for this great honor this morning, on behalf of the West Islip community and all of the women that we have helped with breast cancer. We hope that we may

continue. We know that we want to continue the research, the important research, and the important advocacy work we've done so far. We haven't got the answers yet. We are working on the prevention and the cure, and, hopefully, some day very soon we will have both. Thank you all very much for your support.

(Applause)

D.P.O. CARACAPPA:

Thank you very much. Just as a reminder to Legislators and everyone else, there's a presentation of the Silver Shield Awards to six police officers today at 12:30 in the lobby. That will be by Legislator Carpenter and Presiding Officer Postal. All Legislators are welcome to join them.

Also, a reminder to Legislators, there is an executive session scheduled for 2:30 today in light of the fact that there are no public hearings to be held this afternoon.

At this point in time, I'd ask all Legislators to report to the horseshoe, so we can approve the Consent Calendar.

LEG. CRECCA:

Legislator Caracappa, I'm here.

D.P.O. CARACAPPA:

Okay. We have ten. Motion to approve the Consent Calendar by Legislator O'Leary.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed? Abstentions? Consent Calendar is approved.

Moving on now to the public portion. First card is Kathleen Ayers Lanzillotta.

MS. LANZILLOTTA:

Good morning. My name is Kathleen Ayers Lanzillotta, and I'm here with the representatives of the Quality Consortium, representing 24 of the not-for-profit drug and alcohol treatment and prevention providers in Suffolk County. I'd like to ask my colleagues to please stand, the Quality Consortium. And Mary Silverstein here on the end is the Co-President of our organization. Thank you.

We're here testifying again today on the restoration of funding to our service delivery system. Please help us to continue to provide high quality drug and alcohol prevention and treatment services to the residents of Suffolk County by voting yes to the County Executive's resolution before you today, Number 1777.

We also ask for your support for the County Executive's Certificate of Necessity, which we understand will also be presented today, which amends this resolution to include funds that prevent the loss of State Aid for our alcoholism service providers. It is our understanding that this action represents a transfer of funds within the Suffolk County Health Department budget. This is an economically sensible way to transfer funding to a service delivery system, which, for every dollar spent, saves the taxpayers \$7.46 cents in criminal, social and medical costs. This resolution corrects a budgetary error, which was made when the 2003 budget was originally cut, quote, 10%, and erroneously resulted in a cut of up to 80% of County funding for some of our providers. Consequently, an agency closed a site, staff positions remained unfilled, and layoffs are pending, and there is a sharp reduction in services. The cut crippled many of our agencies, to say nothing of the clients that are affected within our agency.

Resolution Number 1777 restores all but the 10% County funding reduction, as originally intended. It also restores the cut to six alcohol contract agencies, which prevents the loss of State matching funding.

Please vote yes to County Executive's Resolution Number 1777 and the Certificate of Necessity on this resolution. Thank you.

D.P.O. CARACAPPA:

Thank you.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Next speaker is the Honorable Art Williams, Shelter Island Supervisor. And on deck after Mr. Williams is Joe Chiusa.

SUPERVISOR WILLIAMS:

Thank you very much for pushing me through like this, so I can return to Town business, I appreciate it. We're here to talk and answer any questions you may have regarding proposal to buy some property that's referred to as Saint Gabriel's. And this property is a very special one. It's very high on our list of properties for open place acquisition. The land is adjacent to property that's owned by New York State, which is open space, as well as across the street from about 40 acres, which is another parcel that is currently open space and on our list for potential future acquisition. So we think this is an important piece of property. It certainly will have great public benefit to Shelter Island, and is critical to the preservation of our special and delicate aquifers. So I'm happy to answer any questions.

D.P.O. CARACAPPA:

There are no questions at this time.

SUPERVISOR WILLIAMS:

Thank you very much.

D.P.O. CARACAPPA:

Thank you very much for coming. Joe Chiusa, followed by John Follis, Jr.

MR. CHIUSA:

My name is Joseph Chiusa, I represent 1742. I'm a Community Service representative, and I don't know who this United Veterans Council is of America, I've never heard of them, and I'm a disabled American veteran, and I have been having community service since 1981, and I have no problems with them, I have no -- I can't see why anybody else should come into this organization. Thank you.

D.P.O. CARACAPPA:

Thank you. John Follis, followed by Joe Randazzo.

MR. FOLLIS:

Good morning. I've been asked by Legislator Foley to be a member of the Transportation Advisory Committee. I don't know if you have any questions.

D.P.O. CARACAPPA:

No. The other members of the committee did appear before the Public Works Committee. We do appreciate your coming down and showing your interest in serving on that, what is going to be a very important committee, and we appreciate your appearance here today. I don't believe there are any questions. Thank you.

MR. FOLLIS:

Thank you.

LEG. FOLEY:

Thank you, Mr. Follis. Just let the record reflect that his resume has been submitted for everyone to review, and it is well grounded in the area of planning and transportation. Thank you.

D.P.O. CARACAPPA:

Thank you, Legislator Foley. Joseph Randazzo.

MR. RANDAZZO:

Hi. My name is Joseph Randazzo. I'm past Commander and Adjutant of Chapter -- Thomas Poldino, Chapter 185 in Lindenhurst, New York. I'm here to speak about the Res. 1742, I'm against it. In the first place, it's -- I've never heard of the Suffolk County United Veterans Organization. I've been involved in veterans organizations over 20 years and I've never heard of it and I don't know what they do. The money that's supposed to go to them would be much better served by going to the V.A. Hospital and to veterans organization that do things for the V.A. Hospital.

My chapter, I get a grant, we get a grant through the Offices of David Bishop of a thousand dollars from Suffolk County, and we have to account for every dime of that money to make sure that money goes -- that thousand dollars goes for veterans services. And a lot of the things that

they say they're going to do here are already being done by the veterans organizations and by the V.A. Hospital. And to pay them to do this -- these services that are done by other organizations, it doesn't make sense. And we, as Disabled American Veterans, are wholly against it. Thank you.

LEG. VILORIA-FISHER:

Excuse me, Mr. Chairman. I know that we're not supposed to ask questions, but I just want to know the number of the resolution. I'm not familiar with the issue.

D.P.O. CARACAPPA:

1742.

LEG. VILORIA-FISHER:

Do you know the title?

LEG. LINDSAY:

Public Safety.

LEG. VILORIA-FISHER:

Public Safety? Thank you.

D.P.O. CARACAPPA:

It's actually, I believe, taking money away from the Red Cross and giving it to a new organization for them to do community service programs. You'll know more in a second. Eleanor Seidman-Smith.

MS. SEIDMAN-SMITH:

Good morning, everybody. As you know, I'm Eleanor Seidman-Smith, and I'm very happy to be in front of you. I want to thank you all for the support. I try to speak as little as possible. We're really in bad shape, we are in terms of the money, but that, again, is something I thank you for helping us out with year after year, and I appreciate all of your efforts. But I'm here to talk about Resolution 1742-03.

In 2002, when the American Red Cross Community Service Program asked Probation to sponsor the 1% bail money of 86,156 for the Alternative to Incarceration Program eradicating the graffiti

in Suffolk County, we were told two things. Number one, we were told that we were not entitled to this money, that it was Under Article 13(A), and that that's under the Executive Law. And I've attached article 13(A). This is a State law that says that the money that goes for Alternative to Incarceration Programs has to go under an Article 13(A) just for Alternative to Incarceration Programs, yet, of course, you could see that we've had funding from these programs for the last six years. So we were told directly in 2002, "No, no longer are you eligible." But the law didn't change, as you could see, and there was nothing different from year after year.

The second was that Probation basically told me that they intended to use the money for their own program, and, indeed, 1742 speaks to that.

I'm perplexed that this resolution wants to duplicate the efforts of the Suffolk County Community Service Program. I don't think we're broken. I think we've done a good job in the community. We handle over 700 veterans, and Joe Chiusa has explained to you that we work directly daily with the Disabled American Vets all over the country, all over the state, and all over Suffolk County. We also work with Northport Veterans Association doing everything that 1742 says that they're going to do.

We've provided for the exact people and are still providing for 700. They say 75 veterans that they're going to provide services for, we provide for over 700 veterans. The bottom line, and my concern, is that why were we told that we weren't qualified for an act that was directly legislated for Alternatives to Incarceration, and, yet, the money is now being taken from us and being given to another association that has nothing to do and no clear record with Alternatives to Incarceration, which is what the funding is earmarked for. I don't want the State to come down on us and they will. The State will come down and say that this is not an appropriate 13(A) funding source.

My other concern, of course, is that to expend 86,156 of taxpayers' money to save \$100,000, why expend \$100,000 when we're already doing it and you've already paid us to do the same job? Why are you duplicating services again? We've had this argument last year.

Okay. The last page, of course, and let me sum up, is that if you take our 700 County clients that you're paying for right now in the County budget, it comes out to \$525.59. And then if you're going to pay for another 75 veterans that we're already serving at this point, and

supervising, and working with, that will come out to another 1,148.

So we're clearly showing you again, bottom line, is that we could match prices, we can halve prices, and we could still do the same job that you're expecting of us. And we work closely with the Disabled American Vets and Northport VA, which do all of these services already.

D.P.O. CARACAPPA:

Thank you, Ellie.

MS. SMITH:

Thank you.

D.P.O. CARACAPPA:

Next speaker is Allen Leon, followed by Richard Amper.

MR. LEON:

Good morning, Deputy Presiding Officer, esteemed members of the Suffolk County Legislature. My name is Allen Leon, I am President of Townline Association. Townline Association, as many of you know, was formed and is supported by over 23,000 residents of Huntington and Smithtown to oppose the proposal of Kings Park Energy to build a simple cycle electric generating facility on Townline Road in Kings Park.

The originators of the application, Pennsylvania Power and Light, have since allegedly sold the Kings Park Energy, LLC, to Babcock and Brown. Babcock and Brown, along with 14 other proposals, is being studied by LIPA for power purchase agreements.

I would like to take a quote from The Observer, August 7th. This is {Mr. Cordiano} from Babcock and Brown. "If LIPA refuses the offer, Sterling will operate a merchant simple cycle plant and sell the electricity on the open market through the independent system operator in the northeast region." This could represent the realization of our worst fears, On-Island generation being sold off Island. The electricity leaves Long Island, but the negative impact stays. This building itself is powered in part by a fuel cell. LIPA currently is looking in an off-shore wind program.

If anyone has traveled on the Long Island Expressway during the two or three high heat days in

July, you'll notice the ozone alert. We are already an ozone nonattainment area. To allow production of electricity on Long Island by a simple cycle plant, which creates huge amounts of ground level ozone, its product to be sold off shore is unconscionable.

Shortly, you'll be receiving sense resolutions condemning and opposing On-Island generation for Off-Island sale. I ask at this time for your bipartisan endorsement of those sense resolutions. Thank you very much.

D.P.O. CARACAPPA:

Thank you. Richard Amper, followed by Vito Dagnello.

MR. AMPER:

Good morning, Members of the Legislature. As you know, the environment and agriculture communities are very concerned about the Land Preservation Program in the County. I'm here to speak in favor of.

I.R. 1774, which would allow this Legislature by a two-thirds vote to approve expenditures above 10% beyond the mean of two appraisals and land acquisitions. Let me explain the need.

There is a goal now to preserve 35,000 acres of land before final build-out of Long Island, now projected for the Year 2010. There are 70,000 acres up for grab. We would like to preserve 15,000 acres of open space and 20,000 acres of farmland. This is important, not just because of the drinking water imperatives and the open space to which you people have always been committed.

We have a 5 billion dollar tourism industry. I recently met with the Real Estate Division and made it clear to them the simple fact that if we lose that which attracts tourists to Long Island, we're losing a.

5 billion dollar industry. We're still the number one agricultural producing county in the state, bar none, in terms of absolute dollars. It requires 20,000 acres of farmland to be viable, that is so that people can make a living selling tractors and seed, and so forth. If -- since there are only 34,000 left, we cannot afford, for the sake of our economy, to go below these levels.

The Department says that it is shooting this year for a resumption of the program at the 500 acre acquisition level. You can do the math. If we're doing 500 acres a year for seven years, we're preserving thirty-five hundred acres and not 35,000.

The crisis in the preservation was not, I repeat, was not created by this Legislature. Your actions to take reforms to prevent a repeat of the Gaffney/Grecco scandal were well intentioned. Right now, unfortunately, these regulations are making negotiation tougher, and more than anything else, they are providing for the first time an excuse for the Executive Branch failures up to this point. They're pointing the finger at you and saying it's what you're doing that's preventing these deals from being done. Let's take that away.

This legislation is enabled under law. There is nothing in law that prevents the payment or that limits the payment to 10% above any particular figure. In fact, once a land owner or property owner realizes that there are two appraisals, he or she is going to immediately ignore the little -- the lesser one or the mean one. They're going to say, "We've got a justification at the higher levels." And your candidates for County Executive on both sides of the aisle have said we need to reform that. We need to empower government to pay what the land is worth to the people. And as the land diminishes in quantity, and agriculture is threatened and tourism is threatened, the land is going to be worth more to the people of Suffolk County, even more than to the developers themselves.

So we think this is going to be an essential revision of what it is you're doing. And more than anything else, we trust this Legislature by a vote of two-thirds not to participate in any of the excesses. You still have the capacity to control and avoid our overspending where we're spending more money than the land is worth to the public. After 15 years of watching this personally and professionally, my money is on this Legislature. I think you know how to make sure this program is managed properly. We'd like you to support a bill that empowers you to make this judgment. It is clear the County Executive's Office can't. Thank you.

D.P.O. CARACAPPA:

Thank you, Mr. Amper. Vito Dagnello, followed by Peter Quinn.

MR. AMPER:

Say that again.

D.P.O. CARACAPPA:

No. I was calling the next speaker.

MR. DAGNELLO:

Good morning. Thank you for allowing me to speak this morning. I'm here today to discuss Resolution 1532, the construction of a new facility here in Yaphank. It was tabled for a vote November 18th.

I'm here to just in laymen's terms tell you what that means to the Correction Officers, the civilian employees, and the Deputy Sheriffs that work for the Sheriff's Office.

The facility that's being built, twelve hundred beds, okay, that is not the net gain of beds, it's not in addition to what is existing right now, because once that building is completed, the Yaphank facility is closed. The variances are removed. Okay? I'm not going to give you the figures. It's less than 500 beds, approximately.

I'm telling you, if this Legislature wants to play Russian Roulette, I'm speaking for the 739 Correction Officers, and civilians, and Deputies that work in those facilities that we're not willing to do that.

The Commission of Corrections has a deadline with all County departments that run jails. To ask for an extension of the variances right here in Suffolk, a set plan has to be put in place by October 6th. That has to go in the paperwork requesting the variance be extended, not after that, not November 18th. I ask you to vote and pull that legislation to reconsider it out and pass that.

Right now, I'll use a term, trustees. Everybody understands that from the movies. If the variances are pulled, the inmates that are sent out of this County are our trustees. Other counties do not accept problem inmates or inmates with health problems. The cream of the crop goes. Assaults, disturbances, over the last three or four months, they're on the increase already in our facilities. We don't want those inmates who operate the kitchen, laundry, that prepare our food, they clean the buildings, those are the inmates you're going to be sending out of this County.

It's unfortunate that this problem was dropped on your lap. This should have been addressed back in '89, when the medium security facility opened, because when that building opened, it was already not able to handle the population of the jail. It was 11 years before it was addressed again, and it was dumped on this Legislature's laps, and this department and this new -- the Office of the Sheriff, the new Sheriff. Okay? It's unfortunate that this is coming up now

that something has to be done, but I am telling you, I urge you to pass this resolution, so you can protect the safety and the health of the officers that are your employees. Thank you.

D.P.O. CARACAPPA:

Thank you, Vito.

(Applause)

Peter Quinn, followed by Michael Stoltz.

MR. QUINN:

Good morning, Members of the Legislature. It isn't often that I take time out specifically to come here and applaud Legislators, but I'm here today to say that I applaud this Legislature for having passed quite sometime ago the Living Wage Law, and for the decision in the, I believe it was the Ways and Means Committee to block that coming before you by an effort to overturn that law.

When you think of it, there are 20 million Americans who are earning roughly \$8 an hour, and I'm not talking about young people, I'm talking about adults and adults with families. And so -- and then, on top of that, you figure that those people are without health care. It's unaffordable, and we see health care premiums going up by 13 1/2% in this past year. So we're asking people to do -- wrestle financially with the impossible task of providing for their children while they're earning wages in servitude. And then we've got in contrast to that corporate America, with their excess corporate compensation. And I don't have to tell you about {Bernie Evers} and Worldcom, or {Kenneth Lay} from Enron as classic examples, because in the recent weeks, we've watched Richard {Grasso} of the New York Stock Exchange take 10 million in salary, and 140 million in severance compensation. To understand that the egregious behavior of excess corporate compensation is still continuing, while those at the bottom line are struggling.

And the -- then we've got the bankers, three on Long Island, CEO's getting 11 million, 14 million, and 16 million. In New York City, six bankers getting 30 to 35 million dollars as CEO's. The list goes on. But then we have the bankers deciding they're going to get rid of a million jobs and send them to India, send those jobs to India for research marketeering, and at one-tenth of the pay that they would be getting if they stayed here in New York State.

The Gaps and Nikes still continue their sweatshop labor in foreign countries. Our major export has become jobs, and it's disturbing that we don't have the politicians standing up to that to say that the private sector has an obligation and a responsibility to serve the public instead of looking solely at their bottom line.

So I think it's laudatory that this Legislature determine to help those at the other end of the spectrum, and I came here today specifically to say that to you. Thank you very much.

(Applause)

D.P.O. CARACAPPA:

Thank you, Mr. Quinn. Michael Stoltz, followed by Jiminy Cricket.

MR. STOLTZ:

I'm not Jiminy Cricket. Good morning. My name is Mike Stoltz. I'm the Executive Director of Clubhouse of Suffolk, a psychiatric rehabilitation and support agency, serving residents with -- of Suffolk County who have psychiatric disabilities. I'm also Co-Chair of the Suffolk Coalition of Mental Health Services Providers. And I'm coming up, because later on your agenda is about the Transportation Advisory Board. I've been nominated to be a part of the tab as the human services representative serving the interests of people who are not able to drive, who depend on public transportation, and before you to accept, and if you have any questions about proposal for me to be a part of that tab.

D.P.O. CARACAPPA:

It's not a question time, but we do appreciate you coming here and presenting yourself, and we appreciate your willingness to serve on the committee.

MR. STOLTZ:

Thank you.

D.P.O. CARACAPPA:

Thank you. Mr. Cricket, you're up.

MR. GOLDSTEIN:

Good morning, Ladies and Gentlemen. Like Mr. Quinn, I am here to praise you for the courage

you exhibited in defying the County Executive, who sought to balance the budget in part by impacting upon the caregivers of our County. The living wage, I think, was a courageous step on your part, contrary to what has been taking place in our society, as was pointed out by Mr. Quinn. The disparity between what the upper echelons of our society, the CEO's and such, are earning by comparison to those people who we call upon to look after our children, our handicapped, our aging population, our disabled population, our ill population. It is just shameful to think that we should look to diminish their potential to have dignity and to be able to support their families at the same time all of the evils that were described by Mr. Quinn are taking place. And so I think it's highly commendable in that regard.

With regard to the not-for-profit groups, I am somewhat disturbed, because the term "not-for-profit" in some cases may be abused. The services that they provide are highly commendable, but I think that this Legislature might look into the matter of the salaries that the Executives who operate and own these not-for-profits are taking. It seems to me that there ought to be some ratio that should be established in the contracting between the County and the not-for-profit organizations. I don't see why CEO's, administrators of these not-for-profit organizations, should be earning salaries that exceed those of the County Executive. If the County Executive, who operates a very complex and diverse business, to describe the operations of government, can do so at a salary of less than \$200,000 a year, I don't see why those who operate a few facilities or serve as businesses should be drawing salaries that exceed that, plus the fact that not-for-profits are able to circumvent the nepotism laws which exist within the County, so that they can hire members of their family and further feed at the trough. And so I think, if you're looking make a savings, I'm glad to see that you didn't do it off the backs of the workers, but you might look into the incomes that are derived from those people who operate these not-for-profit groups.

I think this morning we had an illustration where questions were being raised as to where money was being directed by a new not-for-profit that has come to feed at the trough. So, once again, I commend you. Thank you very much.

D.P.O. CARACAPPA:

Thank you. Cesar Malaga, followed by George Hafele.

MR. MALAGA:

Good morning. Cesar Malaga from Hispanic-American Association. I'm here to especially to talk

about affordable housing. But before that, you know, Mr. Quinn brought up a good subject. You guys read in the newspapers that how many jobs we lost every week, 17,000, 3,000, 4,000.

You know, the other day I was -- I had called for some information from Citibank, and the person who answered at Citibank is not here in the United States, it's in China or India, so we're losing many jobs.

The newspapers don't report, you know, how many jobs are going abroad. As Mr. Quinn said, we're supporting jobs, we're losing lots of jobs.

Well, anyway, getting to my point, I have come to this Legislature about maybe a month ago concerning affordable housing. I do not mean the affordable housing which, you know, the federal government grants affordable housing for people making less than 60,000, 69,000, I'm talking about affordable housing for young people.

I hope all of you read, you know, the minutes of the meeting that we had here at the Legislature about the hearing about affordable housing. There are many of us who sacrificed to send our children to college. Our kids sacrificed, you know, through -- in college to become professionals. They come out, they make over 70,000 (inaudible), and then they cannot find a place to live.

There's no affordable housing for the young people in had our county. It's getting to be a crisis. I don't know who is -- who represents Brookhaven, but there is an area in Brookhaven that -- north of the Bellport Factory outlets, they have a housing complex and rental units there. The rents are seventeen hundred and up a month. And, you know, with all the utilities, those young people, they have to pay over \$2,000 to live a month, and they cannot, shall we say, you know, save in the future, they can't, when they have a family or something to buy a house. We have started addressing affordable housing for those young people that live in our county.

I had suggested way back at this county -- at the Legislature that we should not be selling the real estate property that the County owns. Right now, I find, you know, in this seven items, six items here that you are selling, these properties. No. We should be establishing here in Suffolk County what we call, you know, Suffolk County Housing Authority, with powers to build, rent, maintain these properties in a way that our children can stay here on Long Island, rather than moving out to Pennsylvania, or some other state where the rental for them is cheaper. Now, we should be concentrating in providing having a place for our children. Not only our children, we

have senior citizens who do not have a place to live.

You know, we build so many senior citizen multiple centers and they are very expensive. They had to pay fifteen, twenty-eight hundred dollars for a one room apartment, and with utilities, they can't really -- they cannot afford.

So I am asking you that not to sell the real estate property that the County owns. Let's start establishing what they call the Suffolk County Housing Authority. Let's start building houses for our young people, our senior citizens, and be maintained and build, and this way our children can live here in Suffolk County, rather than in other states. Thank you very much.

(Applause)

D.P.O. CARACAPPA:

Thank you. George Hafele, followed by John Kennedy.

MR. HAFELE:

Thank you, Mr. Deputy Presiding Officer, and Members of the Legislature. My name is George Hafele. I'm the President of Fire Island Ferries in Bay Shore, and I'm here to speak on Resolution 1531, approving an amended license for Bay Shore Ferry.

The issues that seem to have come out of this are competition versus accountability. When Bay Shore Ferry assigns New York Waterway a three a day a week time share of their license, you lose the oversight granted to you by Suffolk County law.

Fire Island Ferries, Sayville Ferries, the Davis Park Ferry, North Ferry and South Ferry from Shelter Island all have a legal responsibility to provide continuous and adequate service to their ridership. Why is it a legal responsibility? Because we all have a County license and a County Legislature to whom we answer. In order to attain the level of accountability necessary to safeguard the interest of Suffolk County residents, the Legislature passed Local Law.

Number 7-1982, which states, "No ferry service operator shall engage in the transportation of persons or property in the County of Suffolk, unless a license and franchise have been granted to such operator by the Suffolk County Legislature." No such license or franchise has been granted to New York Waterway. Therefore, should they decide to walk away at any time from the people of Suffolk, they can, just as they walked away from the people of Brookhaven on May 1st, 2003,

the day that federal subsidies expired on the service they provided from Brooklyn Army Terminal to Pier 11 in Manhattan, just as they walked away from the people of Queens and Manhattan on September 1st, 2003, when federal subsidies expired on their East River service. They just walk away. There is nothing to bind them to their ridership.

The Legislature should make New York Waterway accountable to the people of Suffolk County. I think that the Borough Presidents of Brooklyn, Queens and Manhattan wish that they had the authority that you possess. Maybe they could have prevented New York Waterway from just walking away. Thank you.

D.P.O. CARACAPPA:

Thank you. John Kennedy, followed by -- what does that look like? Philip Logue? Logue.

MR. KENNEDY:

Good morning. Good morning, Mr. Chairman, members of the Legislature. I appear before you this morning to ask for your consideration. I know that there was a project before you, a capital project, and it's the 1130 bed jail located in Yaphank. Legislator Bishop was kind enough to send me some information to maybe give me a different point of view. And I read the text of the information and it was quite interesting. But let me just quote something in his communication to me. And he starts off by writing to me and it's -- it says, "It sounds like a no-brainer for the trades to provide all out support for a construction of \$150 million new 1130 bed jail in Yaphank, a big project, lots of jobs," and etcetera. And then he goes on to talk about the jail project is uniquely different from the capital project -- other projects.

And my point to you would be, is right now we have a downturn in the construction industry. A job of \$150 million would put a tremendous amount of our brothers and sisters to work, and for quite a length of time.

In this text he also goes on, he talks about the meaning of these projects, about how they help the economy in a recession, or a flat economy government should help prime the pump in its capital investment. Interest rates are lower during the downtimes and the trades people are available and need the work. Well, that's the exact thing that we're experiencing right now. We have a downturn in the economy and in the trades, and the interest rates couldn't be any lower.

And in the conclusion, he makes some good points, he said about the Department of Public

Works not having the resources to move projects along. And I would submit to you that maybe that's something that this body here could look at. And if they need to augment their work force, maybe you could do that, so that projects would go through the Department of Public Works.

Also, my own opinion and that of the trades is that it really doesn't make much sense to take prisoners and transport them Upstate, New York at approximately \$30 million a year and really get nothing tangible out of it. At least the prisoner, even though it is probably a negative form of industry, it does provide jobs for people for a long time, for as long as that facility would be open. So on behalf of the building trades, we would urge you to reconsider this project and try and help offer that employment that that would provide. Thank you.

D.P.O. CARACAPPA:

Thank you, Mr. Kennedy. Philip Logue, followed by the Reverend Rose Ann Vita.

MR. LOGUE:

Good morning. Thank you. I represent Southampton School District. We applied for -- to get -- buy surplus vehicles from the County. And I was not informed, I happened to read it in Suffolk Life, that that proposal was put on hold, and at your last meeting, the proposal failed. And I worked up a bunch of stuff to come here and discuss this with you, but I see back on your agenda that you are awarding three school districts, hopefully, surplus vehicles, but my district was left out.

Now, in Suffolk Life, they said who buys these surplus vehicles for basically only \$200. The service that the vehicles that the districts and the community organizations buy these from helps reduce our tax base. The County has used these vehicles, they have over 100,000 miles on them, and they come -- we use them for basic needs. We cannot afford them, that's why we're seeking them from the County, instead of sitting in the parking lot in Westhampton.

So I appreciate that you put them back in, but I hope that you would put Resolution 1564 back on that, too. It was the only one that was skipped. Thank you for your time.

D.P.O. CARACAPPA:

Thank you. Reverend Rose Ann Vita.

MS. VITA:

Good morning, elected officials. I am Rose Ann Vita, Lutheran Pastor in both Bridgehampton and Amagansett, technically technically the ELCA Lutheran Pastor in the Hamptons. I'm also connected with the Long Island Council of Churches in a broad-based coalition of other concerned religious leaders who are looking at the fabric of our community, and looking at the impact of the building of the maximum security prison on our budget and how that will affect health care, education, school.

I have some questions that I would like to place before you that -- for your consideration. I have been looking into research that comes out of not only the League of Women Voters, but also out of the National Resource Center on Prisons and Communities. These are our questions that we place before you.

On what basis is the County making a decision to build a new jail? What is the size of the projected County inmate population, and how were these figures arrived at?

Question two: Who was contracted to conduct the Needs Assessment Study, and how much did the County pay for this study?

Question three: Can the public get the Needs Assessment Study, and can the public get a copy of the contract between the County and the company which did this report?

Question four: Does the County plan to house prisoners and detainees for the authorities other than Suffolk County, and if yes, who and how many?

Number five: How much will this jail cost, and how does the County plan to finance it, and how will the finance of this facility impact our budget and our community resources?

Question six: More specifically, what will be the impact on the County taxpayers?

Question seven: Who will build the prison, and how will the contractors be chosen?

Question eight: Has the site been chosen, and what is the cost to accommodate this new jail?

And question nine: Will there be an environmental impact assessment done on this proposed

project? Because my colleagues who are also involved in the environment of our community are asking this question. And if so, when and by whom?

Thank you for your time and consideration, and I will leave these questions with you. Thank you.

D.P.O. CARACAPPA:

Thank you very much. There are no other cards. Anybody else wishing to address the Legislature at this time? Seeing none, I'll make a motion to close the public portion, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public portion is now closed.

We are going to the resolutions tabled to today, September 16th, on Page 6. I'd ask all Legislators to report to the horseshoe.

LEG. BISHOP:

Motion for reconsideration of the Consent Calendar.

D.P.O. CARACAPPA:

There's a motion to reconsider the Consent Calendar by Legislator -- by myself, second by Legislator Guldi. All in favor? Opposed? Abstentions? It is now before us once again. There is a motion to approve by myself, second by Legislator O'Leary. All in favor? Opposed? Abstention? The Consent Calendar is once again approved.

LEG. BISHOP:

Thank you.

D.P.O. CARACAPPA:

You're welcome.

RESOLUTIONS TABLED TO SEPTEMBER 16, 2003

1585, on Resolutions Tabled to September 16th, Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Brian.

LEG. FOLEY:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Foley, second by myself. All in favor? Opposed? Abstention?
1585 is tabled. **(Vote: 15 yes, 2 not present - P.O. Postal and Legislator Binder)**

1357 - Directing Office of Legislative Budget Review to audit legislative vehicles. Is there a motion?

LEG. CRECCA:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Crecca, second by myself. All in favor? Opposed?

LEG. ALDEN:

Opposed.

D.P.O. CARACAPPA:

Abstention? One opposition, Legislator Alden. Resolution is tabled. **(Vote: 14 yes, 1 no, 2 not present - P.O. Postal and Leg. Binder)**

1391 and 1391A - Amending the 2003 Capital Budget and Program and appropriating funds in connection -- with the purchase of Environmental Health Laboratory Equipment (CP 4079). This is a 14-voter. Is there a motion?

LEG. CRECCA:

Motion to approve.

D.P.O. CARACAPPA:

Motion to approve by Legislator Crecca.

LEG. FOLEY:

Second the motion.

D.P.O. CARACAPPA:

Second by Legislator Foley.

LEG. BISHOP:

They found an offset?

D.P.O. CARACAPPA:

I don't believe so.

LEG. FOLEY:

Just on the motion, if I may, Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

At a prior meeting, you had mentioned that you were investigating the idea or looking at the idea of whether there -- we could find other monies, besides offset monies, to fund these very worthy capital projects. Has there been any --

D.P.O. CARACAPPA:

Yes.

LEG. BISHOP:

Didn't you file a bill?

D.P.O. CARACAPPA:

I filed a bill that would create a 5 million dollar pay-as-you-go fund to deal with all the resolutions on the agenda currently, and those that are being proposed to be on the calendar before the end of the year, and then some.

LEG. CRECCA:

I'll withdraw my motion to approve.

LEG. FOLEY:

Okay. I'll withdraw the seconding motion.

LEG. CARPENTER:

Motion to table.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Carpenter.

LEG. VILORIA-FISHER:

Second.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Seconded by myself. All in favor? Opposed? Abstentions? 1391 is tabled. (Vote: 15 yes, 2 not present - P.O. Postal and Leg. Binder)

LEG. FOLEY:

Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

1424 - a Local Law to streamline County government by repealing costly laws, archaic statutes, superfluous boards, and duplicative commissions. There is a corrected copy, which it was for Brian. It removed the Rhabdomyosarcoma Board. There's a motion to approve by myself. Is there a second? Second by Legislator Fields.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Is Presiding Officer Postal going to be present at sometime today? Because if she is, possibly out of deference to her, we should hold off and approve this when she's here.

D.P.O. CARACAPPA:

There's a motion to postpone this vote until the end of the agenda, second by Legislator Carpenter. All in favor? Opposed?

1425 - To ensure League of Women Voters representation on Reapportionment Commission.

LEG. VILORIA-FISHER:

Table.

D.P.O. CARACAPPA:

Motion to table by Legislator Vilorio-Fisher.

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

Second by Legislator Fields.

LEG. TONNA:

Motion to table subject to call.

D.P.O. CARACAPPA:

Motion to table subject to call takes precedence, second by myself. All in favor?

LEG. TONNA:

On the motion. I just --

D.P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

My point, and I think I brought it up, and we have a philosophical difference, but the League for Women Voters is very clearly -- as part of their stand, they are pro choice, pro abortion, from my standpoint, pro choice from people who are pro choice, however you want to say it. The fact of the matter is, is that I don't see involving them in the political process or in the process of redistricting when there are, you know, people who have absolute right-to-life positions. And so, if that's part of their agenda, they're not the objective party that -- outside of that issue, I would think. And although there are some of the things that the League of Women Voters are very laudable and, you know, I respect, and whatever, we have a very, very clear difference of opinion. And so being involved in the redistricting process, you know, I can never support that, because they have this as part of their agenda.

LEG. FOLEY:

Mr. Chairman.

LEG. VILORIA-FISHER:

Mr. Chairman.

D.P.O. CARACAPPA:

On the motion, Legislator Foley, and Legislator Viloria-Fisher.

LEG. FOLEY:

I'll defer to the sponsor of the bill and with --

D.P.O. CARACAPPA:

Of course.

LEG. FOLEY:

-- the approval of the Chair.

LEG. VILORIA-FISHER:

I believe the characterization of calling them political because they take a position which is supporting what is currently the law of the land is really a very unfair characterization, because the Supreme Court did rule over 30 years ago, and that is the law of the land right now. And the League of Women Voters is not taking a political position on that, but, rather, they are --

that is the law of the United States, as ruled by the Supreme Court in Roe vs. Wade.

LEG. TONNA:

Mr. Chairman, can you recognize me again, or whenever? I'll go on the list.

D.P.O. CARACAPPA:

Before I recognize you, Legislator Tonna, I'd just ask that we don't get into the debate of Roe vs. Wade here.

LEG. TONNA:

I don't want to Roe vs. Wade. And you know how much respect I have for Legislator Viloría-Fisher. The first time I said Viloría-Fisher, but -- and I have tons of respect for you, and you know what admiration. But to give the argument that it's the law of the land, so was slavery at one time and, you know, I would respect abolitionists. So because we have certain laws, I think this is a terrible law, an absolute -- you know, a law that really is prejudice against innocent life.

And so, from my standpoint, because there's a law, that doesn't mean anything. It's a law -- it's an, I think, an immoral law, and so that doesn't carry any weight. You know, in the history of America, we've had a lot of, you know, immoral. So, you know -- but this is specifically -- you know, when they're on -- the idea, I think, of the sponsor is to have a group that is impartial, and I respect that as a principle, but they're not impartial.

LEG. VILORIA-FISHER:

No, they're nonpartisan.

LEG. TONNA:

Right.

LEG. VILORIA-FISHER:

Not impartial, nonpartisan.

LEG. CRECCA:

Roll call.

LEG. TONNA:

Well, they're partisan if you're a Right-to-Lifer.

LEG. FOLEY:

I have the floor, Mr. Chair.

D.P.O. CARACAPPA:

Yes, you do. Legislator Foley, followed by Legislator Caracciolo, and then Guldi.

LEG. FOLEY:

Thank you, Mr. Chairman. I've never -- up to this point, we've never had a litmus test for any member of the Reapportionment Committees of all the years that I've been involved in the Legislature, whether it was a Reapportionment Committee done in the '80's, in the '90's, or the most recent one. So it troubles me that we have at least one Legislator who now has a litmus test.

I mean, just a couple of years ago, when we created the most recent Reapportionment Committee, no one at that time asked any of the members what their position was on abortion, nor should they. Same holds true with an organization.

This organization, you go back, those of us who are students of the political history and governmental history of this County know that the League of Women Voters is one of the most outstanding publicly spirited organizations that we've had in this County. They've played a very important informational role, an educational role when it came to the creation of Council districts in Brookhaven Town, they've played a very important role in educating and informing the public throughout the County about a variety of issues and a variety of candidates. But it troubles me, it troubles me that if now it's being injected into this discussion that there's a litmus test, a litmus test not on a County issue, a litmus test of a national issue, which has nothing to do with the issue of reapportionment, whether one is pro choice or pro life, that has no role to play in what the configuration of a district is supposed to be.

So I really, and as much as I also have great respect for Legislator Fisher, Vilorina-Fisher and for Legislator Tonna, but the fact of the matter is we shouldn't have these litmus tests. And I would strongly support this motion to approve. They are a great organization and they should be part and parcel of this process. Thank you.

LEG. CARACCILO:

Mr. Chairman, I speak in opposition to this resolution, as I did in committee, for the same reason, and that is that this would create representation on a reapportionment board or committee -- commission that doesn't take place for another decade. It's absurd. There'll be many Legislators who will come and go during the time of the next ten years, seven of which will be term limited out, if they're successful in re-election in two years. This whole body will be turned upside down, and perhaps it won't even exist in ten years.

But that said, to be concerned today about representation ten years from now is not the type of legislation we should even be talking about. So I move to table this motion. And I know there was a motion to table subject to call that failed, so I'll make a motion to table it.

LEG. BISHOP:

There is a motion to table.

LEG. VILORIA-FISHER:

We haven't voted on it yet.

LEG. TONNA:

We -- it didn't fail yet.

LEG. CARACCILO:

Oh, okay. That's your motion?

LEG. TONNA:

It's on the motion.

LEG. CARACCILO:

All right. Okay.

LEG. GULDI:

Briefly, I'd like to succinctly add that if it's true, that the League of Women Voters should be excluded from the reapportionment process because they have a position with respect to the choice issue, why then so should Legislator Tonna.

LEG. TONNA:

No. The difference is is that I'm elected, and I have my power to discretion. And to tell you quite honestly, you know, people of Suffolk County vote for me to vote on that. We have an opportunity. There's a piece of legislation that's very cogent and understandable, but I'm using my power of discretion. Legislator Foley says, "Well, you know, litmus test." Every single time we vote there's a litmus test. We make decisions based on facts as we see them, and my litmus test is I want to protect innocent life and Legislators who happen to be -- feel the same way. And so I want to make sure that that's not a consideration in the redistricting issue; okay? And that's -- you know, that's how it is.

D.P.O. CARACAPPA:

Thank you. There's a motion to table subject to call and a second. All in favor?

LEG. VILORIA-FISHER:

Opposed.

D.P.O. CARACAPPA:

Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. CARACCILO:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

No.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. COOPER:

(Not Present)

P.O. POSTAL:

(Not Present)

MR. BARTON:

Seven. (Not Present: P.O. Postal, Legs. Bishop, Binder and Cooper)

D.P.O. CARACAPPA:

Motion to table subject to call fails. There's a motion to table and a second already before us. All in favor? Opposed? Abstentions? It's tabled.

LEG. GULDI:

We get to do it again.

D.P.O. CARACAPPA:

1489 - Rescinding authorization to sell County-owned property pursuant to Section 215 (of the New York County law, Al Grimes). Motion -- there's a motion by myself. Is there a second?

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor?

LEG. GULDI:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Guldi.

LEG. GULDI:

Yeah. Refresh my memory, Counsel, as to why we tabled this. It's a 215. It's rescinding it. We tabled it for more information. Have we received that?

MR. SABATINO:

This was tabled, because you had raised the concern that the individual who had originally applied for the Chapter 27 conveyance and never consummated the transaction had been afforded one last sufficient opportunity. You wanted a reassurance from Real Estate. That reassurance was forthcoming. The properties are valued at \$112,000, so it is substantial value. The back-taxes are 53,228 and accruing. The concern simply was on your part, you wanted to be absolutely rock solid certain that the individual was afforded all possibilities and they were.

LEG. GULDI:

Okay. Thank you.

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

15.

D.P.O. CARACAPPA:

1489 is approved. **1500 - Authorizing the sale of surplus County car (showmobile) to Town of Southampton.**

LEG. FOLEY:

Second.

LEG. CARPENTER:

Motion to table.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

There's a motion to approve.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. There's a motion to table --

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

-- by Legislator Carpenter, second by Legislator Alden. On the motion to table, Legislator Lindsay.

LEG. LINDSAY:

Yeah. As I recall, when we discussed this last time, someone was going to look into whether this vehicle can be reclaimed and we can rehabilitate it and use it as a second one. Did we get any additional information on that?

D.P.O. CARACAPPA:

I believe the Parks Chairman did come -- the Parks Commissioner did come to the Parks Committee, but didn't really give a solid estimate as to what it would cost, it was a guesstimate. But I'll defer to the Parks Chair. Legislator Fields?

LEG. FIELDS:

The Commissioner did come before us and she was still investigating how much it cost to rehabilitate or to reuse this showmobile. There was also discussion regarding recycling the vehicle and using it in one of our County facilities. And I think the thought was that it would be less costly to keep it and use it and recycle it than it would be to go out and buy a brand new one that cost us \$100,000 to purchase the past one that we just bought about a year ago. So it's still in committee until we ascertain the real cost of whether or not it could be rehabilitated and at what cost on the County taxpayer.

D.P.O. CARACAPPA:

Bill.

LEG. LINDSAY:

Do we have a motion to table on the floor?

LEG. CARPENTER:

Yes, I made a motion.

LEG. LINDSAY:

Okay.

D.P.O. CARACAPPA:

There is both a motion to table and approve, so motion to table takes precedent. All in favor?
Opposed? Abstentions?

LEG. GULDI:

I'm opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Guldi.

LEG. VILORIA-FISHER:

I'm opposed.

D.P.O. CARACAPPA:

Legislator Guldi, Legislator Viloría-Fisher and Legislator Bishop.

LEG. FOLEY:

Foley.

D.P.O. CARACAPPA:

Foley.

MR. BARTON:

12. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's tabled. **1506 - Amending the 2003 Capital Budget and Program and appropriating funds for the purchase of equipment for groundwater monitoring and well drilling.** This is a 14-voter. I'll make a motion to table. Second by Legislator Bishop. All in favor? Opposed? Abstentions? 1506 is tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1529 - Naming the ball field at Citibank Park "Senator Owen H. Johnson Field". Motion by Legislator Carpenter.

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

Second by Legislator Crecca.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Did we get assurances that this will not interfere with our contractual relationship on the field?

D.P.O. CARACAPPA:

I believe that we have.

LEG. ALDEN:

Okay.

LEG. FIELDS:

Do we know that for sure?

D.P.O. CARACAPPA:

I'm fairly confident. Having spoken with the Department of Public Works, they said it was a verbal agreement, and a letter was on the way some couple of weeks ago the last time we met, and I believe they've received that. All in favor? Opposed? Abstention?

LEG. COOPER:

Abstain.

D.P.O. CARACAPPA:

There's an abstention by Legislator Cooper.

LEG. ALDEN:

Just to point out, they got knocked out of the playoffs.

MR. BARTON:

14. (Not Present: P.O. Postal).

LEG. FOLEY:

They should have moved it before. That may have helped them win the game at the end.

D.P.O. CARACAPPA:

Classic collapse. Okay. 1547.

LEG. GULDI:

They need Owen as a pinch-hitter.

D.P.O. CARACAPPA:

Just be reminded, that last game was a sellout of sixty-two hundred, sixty-five hundred.

1547, a charter law to change the County Tax Stabilization Reserve Fund Policy.

LEG. ALDEN:

Motion to approve.

LEG. CRECCA:

Second.

LEG. CARPENTER:

Explanation.

LEG. FOLEY:

Explanation, please, from the Budget Review Office.

D.P.O. CARACAPPA:

There is a motion by Legislator Alden, second by Legislator Carpenter. Explanation.

LEG. GULDI:

I don't have a copy of the bill.

D.P.O. CARACAPPA:

Counsel.

MR. SABATINO:

This bill does several things. The first thing is to remember that the existing County law requires a minimum of 25% of your County surplus to be put into tax stabilization each year. Under current law, with 14 votes, you can go beyond the 25%.

The first thing that this proposed amendment does is it changes the 25% to 50%, so the minimum amount of surplus funds that would go into tax stabilization would now be -- would now be 50% instead of 25%.

The second thing it requires, which is a change, is that the County Executive will now have to give written notification to the two budget offices in advance regarding any intention to transfer any funds from that particular account, but that's going to have to be done at the time of those

August hearings that are held on the Operating Budget each year. So when the County Executive conducts his first set of hearings on the budget, which is the first half of August on the West End and the second half of August on the East End, at that juncture, if he or she intends to use tax stabilization monies, have to be notified at that time, so you would know well advance of the process.

And the last proposed change is that the actual surplus that would be available can only be used to reduce projected property tax increases that are in excess of 5%. The reason that's significant is that under State law right now, you can do it if it's in excess of 2.5%. So this means it would be a more stringent standard with regard to the use of reserve funds to deal with property tax increases. You'd have to get to 5% instead of 2 1/2% before you could use the money.

Those are the three proposed changes, and it's all subject to a referendum. The referendum would not occur this year, it would occur next year, which means that if it occurs in the Year 2004, the earliest it could apply would be during the budgetary process in 2005 for Fiscal Year 2006. So this not something that, even if you pass it tonight or today, would kick in immediately for next year.

LEG. CARPENTER:

Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

I would just ask Budget Review to comment on how they feel this would affect the budgetary process.

MR. POLLERT:

In theory, it should be improving the budgetary process. In practice, the County Executive really doesn't have a good handle on the budget until he gets the first draft print-out out sometime in early September. So, you know, in all probability, what's going to happen is either the County Executive would give notification that he was planning on using the funds, or he would just ignore the law.

The second problem relates to the fact that it deals with the tax levy, which is not the taxes paid by the taxpayers, that's the warrant, but the State law deals with the levy. This parallels what's going on with the State law.

There's a possibility that you could use Tax Stabilization Reserve funds, and if you had a large carry-over fund balance, you could wind up with a tax decrease. That's currently the case, but it really just deals with the levy and not the warrant.

LEG. CARPENTER:

Thank you.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah. Again, to Budget Review Office, under the current law -- under current law, there's nothing prohibiting the County Executive from submitting his -- allocating as much as 50% of the surplus to a tax stabilization fund. He can do that now; is that not correct?

MR. POLLERT:

That's absolutely correct. He can allocate up to 100%, if he wants to.

LEG. FOLEY:

Right.

MR. POLLERT:

What this does is it adds the notification to the Legislature that he intends to use the funds during the budget process.

LEG. FOLEY:

Well, it adds not only notification, it also has a minimum floor now, not of 25%, but of 50%.

MR. POLLERT:

That's correct.

LEG. FOLEY:

So it's both notification, as well as increasing the amount. My point, Mr. Chairman, is that under current law, the County Executive could move forward with 50% or 75% of the surplus, that we don't need this law in order to have additional monies put away into the Tax Stabilization Reserve Account; is that not correct?

MR. POLLERT:

Yes.

LEG. FOLEY:

So we don't need this law in order to have the County Executive put in 50% or 60%.

MR. POLLERT:

That's absolutely correct. Currently, the County Executive has a capability to add whatever funds he wants to into the Tax Stabilization Reserve Fund.

LEG. FOLEY:

So why -- even though Legislator Haley is no longer here, then what's the justification for the bill, if currently the County Executive has the discretion to essentially do what this resolution proposes?

MR. POLLERT:

What it would be would be a requirement to require --

LEG. FOLEY:

Fifty percent.

MR. POLLERT:

-- that 50% be transferred in, not just the 25. Right now, the County Executive has the capability, but he's not required to do that level of transfer.

LEG. FOLEY:

Now, if that --

MR. SABATINO:

Just to expand, though, the Legislature also has the authority under existing law with 14 votes to go beyond 25%, so you have the capability to go, you know, to another number if you want to.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I think a key thing to keep in mind what this bill accomplishes, or what it intends to do, is send a message to the people in Suffolk County that if we have more revenues coming in that we even budgeted for, as was the case a number of years ago when times were good in Suffolk County, we're going to put a little bit away from a rainy day. So we would set an example to the people in Suffolk County that government is not going to be wasteful and just take in whatever they haven't spent, similar to what we expect County residents to do. And, as we raise taxes, I think it becomes more and more important for us to send a clear message to the people in Suffolk County that we're not going to be wasteful. And if we intend or ask them to draw in their belts a little bit on spending, that we're prepared to set an example and do it first.

D.P.O. CARACAPPA:

Okay. One thing I'm concerned about passing this is, and today is a classic example of why, is we have resolutions on the table today that are very important, plugging certain budget holes, one for 9 million dollars, and then in the next cycle, there is a bill that we spoke about earlier that creates a five million dollar pay-as-you-go account. These are all -- we're capable of doing these based on the fact that we have unanticipated revenues coming in from the sales tax.

So, under this rule, or under this Charter change, we would not be able to do what we're trying to do today, and that's deal with budgetary shortfalls in years that we didn't anticipate them, as well as it didn't anticipate certain revenues coming in from, in this case, sales tax.

So, though it sounds great, and in certain years it is a viable option, we have that option as Legislators through our voting power, and the County Executive has, as was stated, but I'd hate to tie our hands with relation to votes that we need to take to keep the budget and the County solvent in times such as this. Legislator Caracciolo.

LEG. CARACCIOLO:

I appreciate your remarks, and I would hope that the members of the Ways and Means Committee that did not support 1775, the resolution which you speak, the 9 million dollar shortfall, funds that the County Executive did not include in this year's Operating Budget for EMHP, that they reconsider their party line opposition with Legislator Guldi being the exception. Let me qualify that. Thank you George. Thank you.

LEG. GULDI:

Make it up as you go along, Mike.

LEG. CARACCIOLO:

Okay. Because we're now in the political season, and the tendency in this horseshoe is for Legislators to say one thing, do something else. And I appreciate very much the remarks made by several previous speakers about it's time for us to be financially responsible, because it appears that some people around this horseshoe like to have it both ways. So thank you for your remarks, Mr. Chairman.

D.P.O. CARACAPPA:

There's a motion to approve and a second. All in favor?

LEG. TONNA:

I'm here, Henry.

D.P.O. CARACAPPA:

Opposed?

LEG. FOLEY:

Motion to table.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Foley.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARACAPPA:

Second by myself, roll call.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CARACCILO:

No.

LEG. GULDI:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

No.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

P.O. POSTAL:

(Not Present)

LEG. FIELDS:

No.

LEG. CARACCILO:

Motion to approve.

D.P.O. CARACAPPA:

There's a motion to approve --

MR. BARTON:

Six. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

-- and second already. All in favor?

LEG. GULDI:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Abstain.

LEG. O'LEARY:

Pass.

LEG. VILORIA-FISHER:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Pass.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

No.

LEG. O'LEARY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. FIELDS:

Yes.

LEG. NOWICK:

No.

LEG. TONNA:

Pass.

LEG. GULDI:

You can't.

MR. BARTON:

Legislator Tonna. We've gone around once.

LEG. TONNA:

Oh, okay. No.

MR. BARTON:

11. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. 1565 - Authorizing sale of four surplus County cars to Sachem School District.

LEG. LINDSAY:

I think, Mr. Chairman --

D.P.O. CARACAPPA:

Legislator Lindsay, what's your pleasure?

LEG. LINDSAY:

Yeah. I think we skipped a resolution. 1564, the gentleman talked about before--

MR. BARTON:

12.

LEG. LINDSAY:

-- the Southampton surplus.

LEG. VILORIA-FISHER:

No, it's not on the -- it's not on the agenda.

LEG. FOLEY:

It's not on the agenda.

D.P.O. CARACAPPA:

Southampton was the showmobile.

LEG. LINDSAY:

No, no, no.

LEG. GULDI:

No. 1564 was defeated at the last meeting, Counsel, if I'm correct.

D.P.O. CARACAPPA:

Yes.

LEG. GULDI:

And I'd like you to refile it for the next session.

LEG. LINDSAY:

I have two different agendas, one it's on and one it isn't.

LEG. VILORIA-FISHER:

It's not on mine.

LEG. GULDI:

Can we get a clarification from the Clerk's Office on 1564, whether it belongs or --

D.P.O. CARACAPPA:

It is not on my agenda. That's wrong, Bill.

MR. SABATINO:

It was defeated on August 26th --

LEG. LINDSAY:

Okay.

MR. SABATINO:

-- so it shouldn't be.

D.P.O. CARACAPPA:

There's been a request to --

LEG. GULDI:

Refile it.

D.P.O. CARACAPPA:

Yeah.

LEG. LINDSAY:

1565, I make a motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Lindsay.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? 1565 is tabled. 1566.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

(1566 - Authorizing the sale of two (2) surplus County cars to Hauppauge School District). Two cars to the Hauppauge School District.

LEG. CRECCA:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Crecca.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

There's a second by Legislator Foley.

LEG. ALDEN:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Alden.

LEG. CARACCIOLO:

Second.

D.P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Opposed, opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Foley, Legislator Crecca.

LEG. GULDI:

Me, too.

LEG. VILORIA-FISHER:

Me, too.

D.P.O. CARACAPPA:

Legislator Guldi, Legislator Vilorio-Fisher, and Legislator Bishop

MR. BARTON:

I have no idea.

LEG. ALDEN:

Roll call.

D.P.O. CARACAPPA:

Roll call on the tabling.

MR. BARTON:

I don't even know who made the motion. Alden, Caracciolo. Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No to table.

LEG. O'LEARY:

Yes to table.

LEG. VILORIA-FISHER:

No.

LEG. FOLEY:

No to table.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

Ten. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's tabled. **1567 (Authorizing the sale of two (2) surplus County cars to Commack School District)**, two cars to the Commack School District.

LEG. CARACCIOLO:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Caracciolo.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Same motion, same second, same vote.

MR. BARTON:

Got that.

LEG. CRECCA:

Here you go.

MR. BARTON:

Tabled.

D.P.O. CARACAPPA:

It changes every road, you know, it depends on the town.

LEG. CARACCIOLO:

Depends on the sponsor.

D.P.O. CARACAPPA:

That's true, too, Mike. **1574 (Amending the 2003 Capital Budget and Program and**

appropriating funds in connection with the acquisition of a Disaster Recovery Plan (CP 1729). I'll make a motion to table.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in had favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Moving on to Page 7. **1583 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with airport fencing and security system at Francis S. Gabreski Airport (CP 5721)).** Motion to table by myself.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1591 - Directing County Department of Health Services to renegotiate malpractice liability clauses for the County Health Centers. Legislator Guldi?

LEG. GULDI:

Pardon, where are we?

LEG. BISHOP:

1591.

D.P.O. CARACAPPA:

1591. No, no, no.

LEG. CRECCA:

We're in Hauppauge.

D.P.O. CARACAPPA:

1591.

LEG. GULDI:

Let me skip over it for a minute. I want to check with something.

D.P.O. CARACAPPA:

1583 was tabled. **1658 - Dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural Lands.**

LEG. FOLEY:

Mr. Chairman, as much as we're very supportive of it, we have to table it one more time, because --

D.P.O. CARACAPPA:

Motion to table by the sponsor.

LEG. FOLEY:

-- subject to Counsel at the last meeting, that we need to have meets and bounds and it's still being worked on.

D.P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions? 1658 is tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

LEG. LINDSAY:

What about 1591?

D.P.O. CARACAPPA:

We skipped over it.

LEG. VILORIA-FISHER:

Skipped over.

LEG. GULDI:

Mr. Chairman, motion to table 1591.

LEG. ALDEN:

Second.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? 1591 is tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1691 (Amending the 2003 Capital Budget and program and appropriating funds in connection with the purchase of equipment for Med-Legal Investigation and Forensic Sciences (CP 1132)). Motion to table by myself.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1693 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with engineering for safety improvements at various intersections (CP 3301)). Motion to table by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? **(Vote: 16, 1 not present - P.O. Postal).**

1696 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the reconstruction of Culverts (CP #5371)).

Same motion, same second, same vote.

MR. BARTON:

16 (Not Present - P.O. Postal)

LEG. GULDI:

1719 - Declaring a specific governmental purpose for underwater lands located in Peconic and Gardiners Bays).

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Guldi.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions? 1719 is approved.

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1732 - Approving maps, authorizing the acquisition of lands (together pursuant to Section 206 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for safety improvements along Montauk Highway on CR 85 at Atlantic Avenue, Town of Brookhaven, Suffolk County, New York. C.P.)

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1732 is approved.

INTRODUCTORY RESOLUTIONS FOR THE SEPTEMBER 16, 2003

MEETING OF THE SUFFOLK COUNTY LEGISLATURE

Moving on to Introductory Resolutions. **1570 - To establish land development policy for mixed use smart growth in Suffolk County.** It was discharged without recommendation 3-2.

LEG. CARPENTER:

Explanation.

D.P.O. CARACAPPA:

Explanation, Counsel. Is there a motion?

LEG. VILORIA-FISHER:

Second.

LEG. BISHOP:

Oh, to table.

D.P.O. CARACAPPA:

Motion to table by Legislator --

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

-- Bishop, second by Legislator Crecca. All in favor? Opposed? Abstentions? 1570 is tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1735 - Authorizing Planning steps for the acquisition of farmland development right by the County of Suffolk of Loughlin Vineyards, Sayville, Town of Islip, Pay-As-You-Go 1/4% Taxpayer Protection Program.

LEG. LINDSAY:

I'll make a motion.

LEG. CRECCA:

Second.

LEG. VILORIA-FISHER:

Second.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Lindsay, second by Legislator Fields. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Henry, cosponsor.

D.P.O. CARACAPPA:

1735 is approved. 1758.

LEG. CRECCA:

Cosponsor, Henry.

LEG. FIELDS:

Me, too.

LEG. CARPENTER:

Cosponsor.

D.P.O. CARACAPPA:

Just give the Clerk a second to catch up.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1758 (Approving acquisition under Suffolk County Multifaceted Land Preservation Program (St. Gabriel's Property) Town of Shelter Island). This is the Saint Gabriel's property that the Supervisor came to speak about earlier. There's a motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? How many -- I'm sorry. Mike, how many acres is this?

LEG. CARACCIOLO:

This is seven acres.

D.P.O. CARACAPPA:

Did you stay 70, 7-0?

LEG. CARACCIOLO:

One second. No, seven.

D.P.O. CARACAPPA:

Seven, okay. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1761 - Making a recommendation concerning the final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan. Approved out of committee 5-0.

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher.

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

Second by Legislator Fields. All in favor?

MR. SABATINO:

Well, wait. 1761, there was just -- there was some wording problems in the first "resolved" clause.

D.P.O. CARACAPPA:

Motion to table by myself, second by Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Technical problems?

MR. SABATINO:

There are technical problems, because -- the point of the resolution is to have the Legislature make a determination, so, therefore, it's got to read either "the Legislature hereby determines," or "the Legislature hereby approves". Instead, the way it's worded is it talks about the Legislature recommending, but you're not recommending, either you're making a determination or you're making a finding, and, apparently, that was not corrected.

D.P.O. CARACAPPA:

All right. If you could just do the corrected copy on that, Counsel, put the proper language in.

LEG. GULDI:

Motion to table.

MR. SABATINO:

It's an Executive bill, that's the only problem.

D.P.O. CARACAPPA:

Oh. Well, I'd ask the County Executive to consider that. And I'll make a motion to table at this point in time, second --

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? It's tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1766 - Approving the modification of Agricultural District No. 1 in the Towns of Shelter Island and Southold (subject to the required subsequent approvals of the State of New York).

LEG. CARACCILOLO:

Motion.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed?
Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1767**, approved 5-0, **Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Schleicher Property in the Town of Southampton (SCTM #0900-014.00-01.00-032.000,033.000)).**

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo second by Legislator Guldi. All in favor? Opposed?
Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1768**. Approved -- discharged without recommendation 5-0. **It's authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Suffolk County Multifaceted Land Preservation Program.**

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Vilorio-Fisher, second by --

LEG. CARPENTER:

Explanation.

LEG. CARACCILO:

Me.

D.P.O. CARACAPPA:

Legislator Caracciolo. On the motion, Legislator Alden.

LEG. ALDEN:

Just an explanation why it wasn't approved, and what the questions were that might have had a different outcome.

LEG. VILORIA-FISHER:

Okay.

D.P.O. CARACAPPA:

I'd ask the Chairman of the ELAP Committee. On 1768, there are questions relating to the resolution. Maybe you can enlighten us.

LEG. BISHOP:

Discharged without recommendation, right.

LEG. CARPENTER:

Yeah. Why?

LEG. VILORIA-FISHER:

It was based on the amount, the number that -- of development rights acquisitions and the amount that's left.

LEG. BISHOP:

Right. There are multiple --

LEG. VILORIA-FISHER:

That program.

LEG. BISHOP:

This is a farmland purchase -- purchases under the Multifaceted Program. Multifaceted is, as the name suggests, multifaceted. It does active recreation parks, open space parks, and farmlands, and affordable housing. This would significantly dip into that fund for farmland, and the issue is, since there are multiple farmland programs, why are we doing that before we exhaust those programs that are specific to farmland?

D.P.O. CARACAPPA:

What's the dollar amount.

MR. SABATINO:

Well, that's the problem. The fiscal impact statement indicates that there's no fiscal impact, which is absurd, because 398 acres has to have a fiscal impact, so that's a major defect. And what the Chairman said is correct, there are other programs that you could --

LEG. FIELDS:

Motion to table.

MR. SABATINO:

-- draw down on before you --

LEG. ALDEN:

One final question.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Fields.

LEG. ALDEN:

Is this a --

D.P.O. CARACAPPA:

Second by myself. On the motion, Legislator Alden, go ahead.

LEG. ALDEN:

Is this a County Executive --

LEG. BISHOP:

The reason it was discharged and not tabled in committee was I thought there was information that was supposed to be presented, which, apparently, has not come forward.

LEG. ALDEN:

It's a County Executive --

LEG. BISHOP:

Or they were going to change it to planning steps.

LEG. VILORIA-FISHER:

They were going to change it to planning steps, so that we could access different programs.

LEG. BISHOP:

Right.

LEG. VILORIA-FISHER:

And I thought that that change had been made.

LEG. CRECCA:

I'm going to make a --

LEG. BISHOP:

That's exactly right.

LEG. VILORIA-FISHER:

I don't have it.

LEG. ALDEN:

I'm going to make a motion to send it back to committee and allow the County Executive's Office to work with the committee.

LEG. VILORIA-FISHER:

But sending it back to committee, though, really does put a lot of delay on it. I'm sorry, Mr. Chair.

D.P.O. CARACAPPA:

Motion to recommit had been made, it takes precedence. Is there a second?

LEG. CRECCA:

I'm just going to ask that why don't we just pass over it and see -- let the County Executive come tell us --

LEG. BISHOP:

And if I could be recognized. I think part of the problem is that, you know, we're handicapped because of the injury to Counsel, and things are not happening that may have occurred in the normal course of events. What needed to happen here, I don't know if it was the County Attorney, or there was a miscommunication from my office to Counsel, is this resolution needed to be turned into a planning steps resolution, which would allow them to move forward with negotiations, but not commit us to the multifaceted program, and that didn't happen. So I think the best thing to do is just table it here and not send it back to committee.

LEG. CARACCIOLO:

Mr. Chairman.

D.P.O. CARACAPPA:

Hold on.

LEG. FOLEY:

Mr. Chairman.

D.P.O. CARACAPPA:

I'll put you on the list.

LEG. CARPENTER:

Motion to table.

D.P.O. CARACAPPA:

There is already a motion to -- there's a motion to table and a second already, I believe.

MR. BARTON:

Yes.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah. I would hope before the end of the meeting, if we can get the County Executive's folks over here and representatives to try to fashion the resolution as the Chair has mentioned. If we table it today, then we're going to be waiting until the middle of November.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Now, if we wait another five to six weeks, considering the fact that the Capital Program -- there's how much money for farmland preservation for capital -- in the Capital Program?

LEG. CARACCILO:

There's plenty, Brian.

LEG. FOLEY:

Huh?

LEG. CARACCILO:

Plenty.

LEG. FOLEY:

I know there's plenty of money, but my point is is that it sunsets at the end of the year. So if

we lose five, five to six weeks, we're talking about six weeks of negotiations, I believe, would be lost, because we'd be tabling this until November. So, I mean, if I'm not correct, I stand ready to be corrected, but if they have to wait until we approve this resolution, why can't, between now and during the lunch hour, the County Executive's Office and the County Attorney get together, make the simple change, as the Chairman has mentioned, and then we can have a CN here and pass it today. My concern is, if we don't, again, we'll wait six weeks, and then we all know what happens from the middle of November to the end of December. It's too little time to do too much important work.

D.P.O. CARACAPPA:

I think your comments served as a request, so --

LEG. FOLEY:

Yes, Mr. Chairman.

D.P.O. CARACAPPA:

It's up to them at this point it time. Legislator Caracciolo, and then Legislator Alden, and Vilorio-Fisher.

LEG. CARACCIOLO:

Counsel, in order for the Legislator -- Legislature to consider this resolution today, what exactly would be required, so that it's clear? I thought the Chairman made it clear in committee what was necessary, but let's make it officially clear. What is required to amend and correct this resolution, so that it can be considered perhaps after public hearings this afternoon?

D.P.O. CARACAPPA:

There are no public hearings.

MR. SABATINO:

Well, it really depends if -- I think the point the Chairman was correctly trying to make is that the Multifaceted Program, which consists of 13 million dollars, is spread across four or five programs. Farmland Development Rights has other sources, the 20 million dollars in Greenways, and a substantial amount of quarter percent pay-as-you-go, which is not going to expire at the end of the year. So, quite frankly, they could simply convert it into an authorization under one of the other two programs, if they're ready to go with the actual

acquisition.

Now, the Chairman's added another element about planning steps, but I don't think on the Farmland Development Rights they're at a planning steps stage. What happens there is the Farmland Select Committee, the 19 member group, meets and they say, "These are the parcels that are eligible and available. If we know that there are 19 -- I'm sorry "X" number parcels that are available, then you would authorize the acquisition of those parcels, but you wouldn't have a fiscal impact statement that says there's no fiscal impact, you'd say we need this amount of money to acquire this number of parcels. So what's missing is the detail of what they're, ready, willing and able to do physically and mechanically, and then you can make the resolution fit that.

LEG. CARACCILO:

Okay. So what really is necessary is for the County Executive's staff to advise the Budget Office to change the FIS, the Financial Impact Statement, because there is a financial impact, and the funds for the appropriation and authorization of these acquisitions should come from either the Greenways 20 million dollar program, which, as I said in committee, was earmarked for this very purpose. To raid the Multifaceted Program is not something that I would support, and nor do I think the Legislature should support that. So, hopefully, we could make those corrections and vote on this before the Legislature leaves today.

D.P.O. CARACAPPA:

Mr. Johnson, I see you by the podium.

MR. JOHNSON:

Yeah.

D.P.O. CARACAPPA:

Is it my understanding that the County Executive elected to table this at this point in time?

MR. JOHNSON:

I was just consulting. I was going to suggest that we table it, but, actually, I think Tom Isles is going to be here in a few minutes and he might be able to speak to this. There are ant some issues with regard to the funding for this, and I think that Tom would like to see it approved.

D.P.O. CARACAPPA:

All right. We'll defer. We'll defer the bill for now --

MR. JOHNSON:

Thank you.

D.P.O. CARACAPPA:

-- and move on to 1774. **1774 - Permitting County to waive 10% rule for land acquisitions.** It was discharged without recommendation 3-2. Legislator Bishop.

LEG. BISHOP:

Motion to approve.

D.P.O. CARACAPPA:

There's a motion to approve.

LEG. COOPER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Cooper.

LEG. FOLEY:

Explanation, please.

D.P.O. CARACAPPA:

Explanation. Counsel?

LEG. BISHOP:

You want me to do it, or you want Counsel?

LEG. FOLEY:

I'd like to hear from the sponsor.

D.P.O. CARACAPPA:

The sponsor. Go ahead, David.

LEG. BISHOP:

All right.

MR. SABATINO:

Am I being asked of the sponsor?

LEG. BISHOP:

I'll defer to Paul. Paul, you do it. You're accurate.

MR. SABATINO:

This will change the existing law, which, as everyone knows, currently states that in order to go above appraised value for a land acquisition program, you have to take the mean value of at least two appraisals that are prepared for or on behalf of the County of Suffolk, and then, under current law, you need a separate procedural motion approved and adopted articulating the specific reason why you're going above the appraised mean value. There has to be a presentation forming the basis for that determination. That presentation has to be made by the County's appraiser, the review appraiser, the Director of Real Estate and the Director of Planning. So those four parties have to lay out what the foundation, the basis, the rationale, and it takes a two-thirds vote. So that's the current law.

What this proposes to do is not have a separate procedural motion, but wrap that vote into the actual authorizing resolution that calls for the acquisition of the particular piece of property. You would still get the same presentation by the four parties I just mentioned, but there would no longer be the 10% limit, you could do whatever you wanted in terms of going beyond the 10%, as long as you had the two-thirds vote, and the presentation, and the rationale articulated.

LEG. BISHOP:

Mr. Chair. When we did the reforms, I thought that was some of the best work that this Legislature had ever done since I've been here. We, particularly in committee, worked very hard and very thoroughly reviewed every step that we took. And the theme of the reforms was transparency and accountability. And this particular reform, the thrust of it is not transparency and accountability, but a bright line rule that you can't do this or you can't do that. I think the better method, the one that serves both the taxpayers, protects both taxpayers and moves us forward towards protecting the environment is to impose transparency and accountability for the

system, but not any bright line rule, such as 10%.

{ SUBSTITUTION OF STENOGRAPHER - DONNA CATALANO }

So what this would allow is for the administration to negotiate the deal, they would present to us the two appraisals, and you if we saw -- if we saw that it was too much for us to move forward with, we can vote it down. But at least we would have the deals moving forward toward us, and we can review each one on the merits. And I think that's what significant about this change, because right now what's happening is, and I think it's because appraising, I've learned, is just not reliable, it's just not getting figures. You would think that if you are appraising property you would have figures that are relatively close to each other, but you are getting spreads that are 100% apart. And when you have that occurring, the mean drops down and deals fall apart. At least this way the deals would be presented to us, and we can vote them up or down, and taxpayers would be protect because the process would be open, transparent and they could apply ultimate accountability on our decisions. But I don't think -- I don't think anybody is served right now by a bright-line rule because it's just killing deals before they are moving to the light of day for our consideration.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I think that with the number of -- if the statistics and the information that we're getting is correct, with the number of deals that are actually closing on a daily basis, the amount of acreage that's shrinking, that is available for us to purchase, there's plenty of opportunity for appraisers to go out there and look at similar pieces of property and to establish some kind of a value. I think this is a dangerous piece of legislation, and if it is passed, I think what you are going to see is people who have pieces of property that would have normally sold them to the County, say the sky's the limit now and I want the sky.

D.P.O. CARACAPPA:

Legislator Lindsay then Foley then Crecca.

LEG. LINDSAY:

Yeah. I heard Mr. Amper before, and I share his frustration with the snails pace that our land

acquisition program seems to be in a quagmire. However, we did a lot of work last year to try and reform absolute flaws in the system, and the flaws were highlighted everyday in Newsday with the different land scandals that were coming out. And I am very, very reluctant to throw all of that work that we did last year out the window. I -- you know the assumption of this resolution is that the appraisals that we're getting are too low, and that's the reason for -- for the failure of the Real Estate Department to acquire open space. And what I say is an appraisal is supposed to be a fair market value of the cost of property. And if our appraisers are that far off the mark, maybe it's time to get new appraisers. But to throw this whole process out the window and to open land acquisition really up to politicizing it here at the horseshoe, you know, I mean, what are we going to do, we get someone with enough power to twist everybody's arm to buy a piece property at any value? I can't agree with that.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. This is for Legislator Bishop. Dave, you mentioned how transparencies will still be in place. Let me ask it a different way to you. One of the -- one of the concerns that has been raised here today and in the media the past week or two is how this will unravel the reforms that were so painstakingly developed last year. And could you just -- you mentioned it once, but I still need to have it settled in my mind -- how those reforms will be in place if this resolution is approved? How the reforms will still ensure -- will still be in place in order to give the level of confidence to the public that we won't have the scandals that we've had in the past, but at the same time enable and energize the Division of Real Estate and ourselves to move forward with land acquisitions? This is a question.

LEG. BISHOP:

The system pre-reform, before we did the reforms, was the Legislature would authorize a property, would identify a property, and at that point we were done. And the negotiation -- and the appraisal and the negotiation and the deal were all in the hand of the Executive Branch, and so we were out of the process. And that prior process pre-reform was too much power for the Executive Branch and too much secrecy, because we didn't know how these deals were being negotiated or how the appraisals were being allegedly manipulated. Under the reforms -- under the reforms, what has occurred is that we allow the Executive Branch -- we identify the property, we allow the Executive Branch to appraise and negotiate, but it comes back to us for a

vote. And that's the fundamental difference post-reform to pre-reform, that we get a second bite at the apple, we get to see what was negotiated and we get to vote up and down on it. Additionally, we require on large deal two appraisals. Where the reform -- where this comes in is an additional layer where we said take the two appraisals and don't go 10% above the mean.

I think when we all did that, we had a notion that appraisals were more of a science and less of an art. And what you are getting with appraisals are these terribly wide variations of value. And I think when that occurs, the best protection for the taxpayers is to have their elected officials meet, deliberate and reach a decision not to have a bright-line rule, because you don't know how those variations came about and that only -- and a discussion and a debate would allow us to consider what went into that process. And I think that the flaw -- the only flaw with the reform. Furthermore and finally, one of things that frustrates me is that the reforms, which are excellent and I think we did excellent work again, are being blamed for deals not coming forward, and that simply should not be. If we got rid of ten percent rule, then there wouldn't be an excuse. You know, negotiate your deal and bring to us, and if we don't like it, we'll vote it down. I know that I can't see myself voting in favor of going more than 10% above the mean, but I certainly don't want the administration to not bring the deals forward and to hide behind that rule. That's what I think also is accomplished by eliminating that rule.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Motion to table.

LEG. BISHOP:

I'll second.

D.P.O. CARACAPPA:

Seconded by the sponsor.

LEG. CARACCILOLO:

You want to table it, go right ahead.

LEG. BISHOP:

I have votes mission, and I know it's not going to go.

D.P.O. CARACAPPA:

We have a motion and a second. All in favor? Opposed? Tabled.

MR. BARTON:

16.

D.P.O. CARACAPPA:

Moving on the Ways and Means, Real Estate Transactions and Finance. 1568, authorizing the sale of surplus cars to Long Island Gay and Lesbian Youth. I'm going to pass other this in deference to the sponsor until later. 1569, authorizing the sale of surplus county cars to Wyandanch School District. I'm going to do the same thing. **1697, amending the 2003 Capital Budget and Program appropriating start up funds in connection with the reconstruction of County Road 80, Montauk Highway, Shirley-Mastic, Town of Brookhaven.** It was approved 7-0.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Is this a 14 voter, Paul? There's a motion to approve by Legislator O'Leary, seconded by Legislator Foley.

MR. SABATINO:

No. This is a straight two-thirds, Mr. Chairman. Straight two-thirds vote.

D.P.O. CARACAPPA:

Where is County Road 80?

MR. SABATINO:

Shirley-Mastic.

D.P.O. CARACAPPA:

It's Montauk Highway.

LEG. FIELDS:

But it's actually Montauk Highway itself?

LEG. FOLEY:

Yes.

LEG. BISHOP:

Is this the thing we sent back and reviewed it and liked it?

D.P.O. CARACAPPA:

Yeah. Okay. Roll call.

(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. GULDI:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FIELDS:

Pass.

LEG. ALDEN:

Abstain.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not present)

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. FIELDS:

Yes.

LEG. TONNA:

(Not present)

MR. BARTON:

14 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1749, authorizing use of Blydenburgh County Park property by the Crohn's & Colitis Foundation of America.**

LEG. CRECCA:

Motion.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Crecca, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions? 1749 is approved.

MR. BARTON:

15.

D.P.O. CARACAPPA:

1752, authorizing the Director of the Division of Real estate to enter into contracts for appraisal services. Approved 6-0-1. Is there a motion.

LEG. ALDEN:

I would hope this is for competent appraisal services.

D.P.O. CARACAPPA:

Is there a motion?

MR. SABATINO:

Just an observation, Mr. Chairman before you vote.

D.P.O. CARACAPPA:

Well, there's no motion. Is there a motion? Is there a motion?

LEG. BINDER:

Motion.

D.P.O. CARACAPPA:

There's a motion, is there a second?

LEG. BISHOP:

Second.

LEG. CARACCIOLO:

Motion to table.

D.P.O. CARACAPPA:

There's a motion to table, is there a second?

LEG. ALDEN:

Second.

LEG. FOLEY:

On the motion.

D.P.O. CARACAPPA:

Seconded by Legislator Alden. On the motion, Legislator Foley.

LEG. FOLEY:

Just to the Chair of the Committee. It was approved 6-0-1-0. Now there's a motion to table. It was approved unanimously out of committee. Should we table it or should we approve it?

LEG. GULDI:

The bill itself expands the number of approved appraisers to the County list to create more opportunity for us to get appraisals done in a timely manner. The law -- we passed the law requiring, I believe, 32 or a specific number of appraisals on that list. The County has gone out, solicited appraiser to join the list. The vote 6-0-0-1, one abstention, I was the abstention. And the reason for my abstention for the record was that I have not only engaged the services of

various appraisers on the list as an attorney, but I have also acted as counsel on behalf of at least one or more than one of them, and as such have a priority attorney-client relationship with then and as such have a prior attorney-client relationship with some of the members on the list, and therefore am abstaining on that basis.

D.P.O. CARACAPPA:

Legislator Crecca, then Caracciolo, then Vilorio-Fisher.

LEG. CRECCA:

I just wanted to state on the record that I have engaged the services of at least one of these appraisers, but I don't believe that that creates any conflict, I didn't represent them. That's why I did vote for it in committee. Unless Counsel tells me otherwise, I don't believe that constitutes a conflict.

{ RETURN OF STENOGRAPHER - LUCIA BRAATEN }

MR. SABATINO:

Not retaining. I think the distinction between your situation and Legislator Guldi's is that he actually became engaged in litigation. So your disclosure on the record is adequate to allow you to vote.

LEG. CARACCIOLO:

Mr. Chairman.

LEG. GULDI:

If I may. It wasn't litigation, it was acting as counsel.

MR. SABATINO:

Okay. Well, the distinction, then, would be that you did work for the party, as opposed to Legislator Crecca's situation, which is he simply hired one.

LEG. CARACCIOLO:

Mr. Chairman, while I could appreciate perhaps Legislator Foley's concern that by tabling this resolution today would somehow stymie the efforts of land acquisition programs, I don't believe that to be the case for the following reasons:

We have heard over the last two months in committee from Mr. Isles and the Division of Real Estate Director, Christine Costigan, that the County is well on its way to purchasing in excess of 30 million dollars in land acquisitions before the end of this year. So I don't feel that any -- there would be any jeopardy by extending contracts that go through 2005 with the entities in this resolution. Rather, given all the rhetoric that has taken place in the short time that two individuals are running for County Executive, I'd like to give them the opportunity, since we will have a new County Executive, to review the methods and processes by which this County does hire and retain not only these consultants, but others.

And, therefore, I make this motion, because I think it's only fair to them to give them a fresh deck, if you will, before we proceed with contracts that obligate the County for another two years. Motion to table.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Mr. Chair, I would not support the motion to table. I had planned on making a motion to approve. I had just had a question about the wording on the -- of the title of the bill, which I'm looking at the copy and it is correct. We need to have enough approved appraisers to move forward with our acquisition program.

We discussed this at length at our committee meeting. It's a good bill. It's a good proposal. It's an important step in our acquisition program. And is there a second on the tabling motion? If there is -- is there a second on the tabling motion?

MR. BARTON:

Yes.

D.P.O. CARACAPPA:

Yes, there is.

LEG. VILORIA-FISHER:

Okay. Well, I'm going to make a motion to approve, but I'll wait until the vote on the tabling

motion, since that takes precedence.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I'm going to just ask Counsel, I've retained the services and I've also represented some that are on this list. Can I vote on tabling, or I'm going to abstain on the vote to approve?

MR. SABATINO:

If you've engaged in representation for somebody on the list, then you should recuse yourself.

LEG. ALDEN:

Completely, then, so I --

MR. SABATINO:

Yeah, right, then don't make a distinction --

LEG. ALDEN:

I would have to withdraw my tabling motion.

MR. SABATINO:

Right.

LEG. ALDEN:

Or second to the tabling motion.

LEG. FOLEY:

On the tabling.

D.P.O. CARACAPPA:

Legislator Caracciolo again.

LEG. VILORIA-FISHER:

The second has been withdrawn.

LEG. FOLEY:

Oh, it's been withdrawn? Okay.

LEG. CARACCILOLO:

What's that.

D.P.O. CARACAPPA:

Legislator Caracciolo, you're up again.

LEG. CARACCILOLO:

I'd just like to reiterate that while I'm sensitive to those who somehow want to make a connection between tabling this resolution and moving forward, that it does not jeopardize the land acquisition programs in any way, manner, shape or form. The deals that are in process and are to be consummated before year end, just in another, what, 90-plus days, will amount to over 30 million dollars. What's the hurry? I mean, in committee, in the same committees, we hear colleagues talk about tabling resolutions for reappointments or appointments to the Planning Commission, which is -- I understand where they're coming from.

LEG. VILORIA-FISHER:

But you voted to approve this in committee.

LEG. CARACCILOLO:

Yeah, I did vote to approve it in committee.

LEG. VILORIA-FISHER:

Okay.

LEG. CARACCILOLO:

But I've had second thoughts since then. I think there are a lot of unanswered questions about our land acquisition programs, questions that I intend to raise. And, hopefully, there will be a very spirited discussion of this these issues during the Fall campaign for County Executive, because, so far, what I've heard both candidates talk about doesn't amount to very substantive

changes or proposals. That said -- and I'll be critical of both candidates, and I'll be critical of others in County government who want to continue doing business as usual.

It's about time this Legislature step up to the plate and really look into these programs and what some have suggested are the manipulation of land prices and purchases, and rather than just superficially go along to get along. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

You're welcome. Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. Speaking to the bill, I understand from Counsel that he sees that there are some problems with the wording in this bill. And so I would like to ask, Paul, can you, please, tell us what -- we didn't have the benefit of Counsel at the committee meeting, and so it seemed a very straight forward bill to us. But if you have issues with it, I'd like to know what they are.

MR. SABATINO:

From a purely technical standpoint, the County Charter says you have to have a list of 30 appraisers. It's Section 1410 of the County Charter. This particular resolution, in the second "whereas" clause makes reference to the fact that there's been some change in the pool of appraisers. Somehow, the list of 30 is no longer 30. So the point is that when you're voting today, you have to vote on a bill to either modify, delete, strike, add or do whatever it is to the 30, so that you've got a list of 30. The problem with this resolution is it says, "Here's nine appraisers." So now you've got 30, plus you've got the nine. I don't think that's the intent, but will have authorized, in effect, 39 appraisers, because there's some reference to the fact that there's been consolidations or people that have left. But even if that reference in the second "whereas" clause were not there, you always have to amend the list that you're working off of. So what's missing is, you know, who's the list of -- you might decide, when you see these nine, that you would want, you know, 20 of the other 30, plus these nine, you might want 22, but somehow you would get to the list of 30. But just voting on nine in a vacuum, the way the resolution is constructed --

LEG. VILORIA-FISHER:

Okay. The way Christine --

MR. SABATINO:

-- doesn't properly implement the statute.

LEG. VILORIA-FISHER:

The way Christine Costigan presented it at the committee is that they were short of the 30 and this would fill the compliment.

MR. SABATINO:

Okay. But the problem with -- that you need --

LEG. VILORIA-FISHER:

You say we should have all 30 before us.

MR. SABATINO:

There's an approved list someplace out there from 1999, but whatever that list was -- my recollection was the list was, you know, 30 something. It's probably shrunk --

LEG. VILORIA-FISHER:

That's what she represented.

MR. SABATINO:

-- for reasons that you and I are not aware of, but the bottom line is that the authorization doesn't leave by osmosis, it has to be taken away by equivalent act. So, if there are four appraisers on the old list that are to be eliminated, you have to eliminate them, you have to add these to that list, otherwise you just wind up with you have ad hoc approvals of lists of appraisers, but you don't have one consolidated statutory, these are the 30 appraisers.

LEG. VILORIA-FISHER:

Mr. Chair, would we be able to address this when Mr. Isles arrives here just to ask those questions?

D.P.O. CARACAPPA:

I don't see why not. We're going to be asking him questions on another resolution, but --

LEG. VILORIA-FISHER:

Okay. And Ms. Costigan had said that it was very critical for them to have the full compliment of appraisers. And I suppose for the next month they could work with the list that they have and we could table it until the next month.

D.P.O. CARACAPPA:

Well, if we're going to table it now. I'd rather we just table it now and not have further discussion, and either discuss it in committee or have it part of our discussion at the next regularly scheduled meeting of the Legislator.

LEG. VILORIA-FISHER:

Well, based on what Counsel has said with the technical problems, then I will second the motion to table.

D.P.O. CARACAPPA:

Very good. Okay. So the motion to table and second. You want to --

LEG. FIELDS:

No, I don't need to now.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstention.

LEG. GULDI:

Abstention.

D.P.O. CARACAPPA:

Legislator Guldi is abstaining, Legislator Alden is abstaining based on a conflict.

LEG. CRECCA:

What's the motion?

D.P.O. CARACAPPA:

Table.

LEG. VILORIA-FISHER:

Tabling.

LEG. CRECCA:

Oppose.

LEG. O'LEARY:

I'll abstain as well, Joe.

LEG. CRECCA:

Opposed.

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

And abstention -- roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Abstain.

LEG. O'LEARY:

Abstain.

LEG. FOLEY:

On the motion to --

MR. BARTON:

Table.

LEG. FOLEY:

Pass.

LEG. LINDSAY:

Yeah, table, yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Abstain.

LEG. CARPENTER:

Yes, to table.

LEG. CRECCA:

Yes, to table.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes, for technical corrections.

LEG. BINDER:

Yes.

LEG. TONNA:

Pass.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes, to table.

LEG. TONNA:

Yes, to table.

MR. BARTON:

13. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's tabled. **1760 - Authorizing the temporary placement of the Mahatma Gandhi Monument and exhibits in the lobby --**

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

-- of the H. Lee Dennison Executive Building.

LEG. CARPENTER:

Second. There's a motion by Legislator Viloría-Fisher, second by Legislator Carpenter. The Committee for Siting Memorials and Symbols has met and we have approved this, so --

LEG. CARPENTER:

Is that why it was discharged without recommendation in Committee?

D.P.O. CARACAPPA:

I would assume so.

LEG. VILORIA-FISHER:

It was discharged without recommendation, waiting for the approval of the Siting Committee.

D.P.O. CARACAPPA:

Which was held last week and approved. All in favor? Opposed? Abstentions? 1760 is approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

MR. BARTON:

1764 - Sale of County-owned real estate pursuant to Section 72-h (of the General Municipal Law) (Town of Brookhaven) (0200-879.00-03.00-023.000). Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1764 is approved. **1765 (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (0200-859.00-01.00-027.000).** Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1775 - A resolution authorizing the issuance of not exceeding 9.1 million dollar budget notes of the County of Suffolk, New York, to additional costs of the County's EMHP, for which insufficient provision was made in the annual budget of said County for the current fiscal year.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

I will make a to approve.

LEG. CARACCILO:

On the motion.

D.P.O. CARACAPPA:

Who made that second? Is there a second?

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Legislator Guldi. On the motion, Legislator Caracciolo.

LEG. CARACCILO:

Yes. Could Budget Review just put on the record exactly what this resolution does. Is that the appropriation of 9 million dollars, nine is that what it's on?

MR. POLLERT:

Basically, what this resolution does is that as a result of two factors, there will be a projected shortfall of 9.1 million dollars in the Employee Medical Health Program by the end of this year. The two factors are that the County's independent auditors accrued back expenses that were charged to 2003 from 2002 expenses, and 2001 from 2002 expenses. And in addition to that, there is a projected budget shortfall for 2003 with respect to the Employee Medical Health Benefits.

What this resolution would do would be to deal with the shortfall in 2003, so that it does not roll into 2004. That has a variety of positive impacts. If the shortfall were to roll into 2004, the 2004 budget would be distorted with having to make up the shortfall from the previous years, and the cost increase would be artificially inflated.

Number two is it would also reduce the amount of discretion that County has underneath the tax levy cap.

What this resolution does, and there is a companion resolution, would be to authorize a budget note to create appropriations, but the County Comptroller would not need to actually issue the budget note, because we have sufficient sales tax to back the budget note. Therefore, what it does is it just appropriates sales tax revenues for the purpose of creating no shortfall in the

Employee Medical Health Program.

LEG. CARACCILO:

What the self insurance program, EMHP, appropriately funded in the presentation of the 2003 budget?

MR. POLLERT:

We thought it was. However, the latest budget request made to the County Executive by the Civil Service Department indicates that they will have a budget shortfall this year of approximately 6 million dollars.

LEG. CARACCILO:

So, in terms of the presentation, the budget was presented with a fully funded self insurance program?

MR. POLLERT:

We believe that it was at the time the budget was adopted. However, through the year, the Department of Civil Service now believes, at the end of August, that there will be a shortfall of approximately.
6 million dollars by the end of the year.

LEG. CARACCILO:

Okay. How do we reconcile those two events? In other words, is this something that's typical, that happens year in and year out, adjustments are made during the calendar year?

MR. POLLERT:

What has happened is that the expenditures were higher than were originally forecast. Right now, the expenditures are --

LEG. CARACCILO:

Okay. So what was forecasted was in error and, therefore, you have a shortfall.

MR. POLLERT:

That's correct.

LEG. CARACCILO:

Okay. That answers my question. Because, again, this issue has been misreported so many times, it's important to make sure that the public record is clear. Thank you, Mr.: Pollert.

LEG. BISHOP:

I have a question.

D.P.O. CARACAPPA:

Legislator Alden and Legislator Bishop.

LEG. ALDEN:

Budget Review, just a quick question, following up on Legislator Caracciolo's questions. What has been put in place to make sure that we estimate costs properly in the future?

MR. POLLERT:

One of the difficulties is that the program is about 162 million dollars, so it's difficult to forecast what the employee utilization will be during the year. We had forecast a growth in pharmaceutical costs, as well as what the utilization rate would be, when we put together the 2003 Operating Budget. It now appears that the pharmaceutical costs were higher than we had anticipated, as well as several other component costs. The revised estimate was made by the Employee Medical Health Program's independent actuaries, Mercer, which is still revising the numbers, but the last estimate that they gave to the County Executive's Office forecasts that there would be about a 6 million dollar shortfall this year.

LEG. ALDEN:

What percentage of the budget is pharmaceuticals? Because it's a hundred and something million dollars, you said?

MR. POLLERT:

For 2003, the costs were approximately 37.5 million dollars.

LEG. ALDEN:

So, roughly, a third is pharmaceutical?

MR. POLLERT:

Yes.

LEG. ALDEN:

And then what was the projected as far as the actual?

MR. POLLERT:

What they have done is they have broken the budget into the mail order, as well as the pharmaceuticals, so it looks like the costs were up by approximately one million dollars in that area.

LEG. ALDEN:

Then where would the additional -- what is it, eight million dollars or -- no, for one year, it's less than 8 million dollars. But where the utilization is up --

MR. POLLERT:

It's in the claims, which were up by roughly \$500,000. It was in the Major Medical claims, which were also up. What might be worthwhile is if I made a copy of their budget request and provided it to all the Legislators, because what they have done is they have broken it into about 12 different categories.

LEG. ALDEN:

Yeah, because I think it's important for us to see that. If it's something that can be forecasted, that's fine, but if there's an exceptional -- you know, like a blip here on one category, then, you know, I'd like to know that, too, because, again, that's going to help us with, number one, a decision on this, but also what we do in the future.

MR. POLLERT:

Yes.

LEG. ALDEN:

Thanks, Fred.

D.P.O. CARACAPPA:

I think, as we move forward into the budget process, we'll have a more accurate breakdown on

this. But the bottom line is with relation to this bill before us today is it's real and it's here, and we need to do it. I, personally, feel we should do it in this current fiscal year, as opposed to waiting.

So your point is well taken, Cameron, where we should review in the upcoming budget cycle what's what, where our expenses are growing at their highest and fastest, and deal with them, or come up with some sort of policy to deal with it more effectively.

LEG. ALDEN:

That's for the future, but --

LEG. TONNA:

On the motion.

LEG. ALDEN:

I think, right now, you know, to vote on this, actually, we need those numbers, because, you know, that's a substantial -- you know, that's a substantial number, as far as an overage, so --

D.P.O. CARACAPPA:

I respect your wanting to have numbers to vote on this, but it's not going to make it go away in any way, shape or form.

LEG. ALDEN:

No.

D.P.O. CARACAPPA:

I understand that. I understand.

LEG. ALDEN:

So I understand what we're voting on.

D.P.O. CARACAPPA:

Yep. Legislator Bishop is next.

LEG. BISHOP:

Mr. Pollert, when we discussed the problems with EMHP funding in prior years, there was a point at which you said the bill will absolutely come due, and I believe that was in next year's Operating Budget; is that -- in prior colloquies that we've had --

MR. POLLERT:

Right.

LEG. BISHOP:

-- on the record.

MR. POLLERT:

Right.

LEG. BISHOP:

If you recall.

MR. POLLERT:

What happened last year is the Legislature approved a Certificate of Necessity that plugged about 8 millions in the hole, because they were planning on rolling out expenses into 2003. There was not enough money that we could find as an offset at the end of last year to completely plug the hole. So, for 2002, several millions of dollars of expenses were rolled into 2003, so that there is a shortfall in 2003, in part, because a portion of the money was used to pay 2002 bills, as well as the fact that there's a budgetary shortfall just standing by itself. If this problem is resolved during 2003, there should be no carry-over shortfall into 2004. We should have resolved the problem in --

LEG. BISHOP:

So this resolves the EMHP --

MR. POLLERT:

Hopefully, this will resolve the problem, and 2004 will just include the cost increases for Employee Medical Health costs, not a carry-over shortfall from previous years.

LEG. BISHOP:

Okay.

LEG. O'LEARY:

Mr. Chairman.

MR. POLLERT:

If you don't do this, it will continue to roll out into future years, because you're either going to have a very large increase during 2004, or whatever shortfall there is will roll into 2005.

LEG. BISHOP:

Understood.

LEG. O'LEARY:

Mr. Chair.

D.P.O. CARACAPPA:

I'll put you on the list. Legislator Caracciolo, you're up again.

LEG. CARACCIOLO:

I'm going to pass, Mr. Chairman.

D.P.O. CARACAPPA:

Thank you. Legislator Tonna.

LEG. TONNA:

I just -- just under the advisement with Legal Counsel, I will be abstaining from this resolution, because of the law that says even the perception of a conflict, you know, so -- or whatever the law says, but --

MR. SABATINO:

That's correct, pursuant to Article 30 of the County Administrative Code, that's my advice.

LEG. TONNA:

Thank you.

D.P.O. CARACAPPA:

You're up.

LEG. TONNA:

So when we vote, Henry, I'm an abstention.

LEG. LINDSAY:

I really -- I believe that we probably underfunded EMHP last year, just like we did the year before. I, like Legislator Alden, would like to see the break-out, though, of where we're spending the money. You know, I'm not saying there's any gross errors here. To try and project health costs in this crazy economy is certainly not a science, but I would like to see the different categories, as well as where the increases are. So, as I understand it, three million of the nine million was a carry-over from last year, six is actually the hole this year.

MR. POLLERT:

That is correct.

LEG. LINDSAY:

Okay.

MR. SABATINO:

Just a technical point. I'm not sure if it was brought up, but there's going to have to be a companion resolution. This is just going to allow --

D.P.O. CARACAPPA:

It's been filed.

MR. SABATINO:

Right. And that would have to be voted on at the special meeting. That will be the actual appropriating resolution, and that will be a 14-vote resolution to actually expend the money and to change the tax base.

D.P.O. CARACAPPA:

Correct. Legislator O'Leary.

LEG. O'LEARY:

Fred, the issue of IBNR, incurred, but not reported, is not addressed in this particular resolution. We will still be going into the next calendar year with approximately 15 to 16 million dollars in claims that have not been -- that are under -- being processed, but not necessarily been reported; is that correct?

MR. POLLERT:

That is. The County departed from the practice of establishing a reserve for IBNR probably five or six years ago, and one of the difficulties is determining what is the tail going to be on the incurred, but not reported expenses.

LEG. O'LEARY:

But this resolution basically makes whole the incurred claims that have been reported for this calendar year, this 9.1 mill.; is that correct?

MR. POLLERT:

What it does is it pays the 2002 claims and does not roll that into 2003, so that there's no shortfall for the tail out from 2001 and 2002.

LEG. O'LEARY:

I just want my colleagues to understand, though, that this does not give us a zero balance going --

MR. POLLERT:

No, it does not.

LEG. O'LEARY:

-- into the next calendar year by any stretch of the imagination. There's still incurred, but not reported, claims totaling in the past 15 to 16 million dollars.

MR. POLLERT:

That is absolutely right. So, if the County were to ever decide to not self insure, but to go to an insurance program, we would continue to have to fund that IBNR, so that you would have a double cost. Number one, you'd have to have the cost of the insurance, plus whatever cash

reserves they require, as well as continuing to fund what the run-out of claims are from previous years.

LEG. O'LEARY:

Okay. Thank you.

D.P.O. CARACAPPA:

Legislator Fields, then Carpenter.

LEG. FIELDS:

I think that that was probably part of my question also. And is it not that any of the employees that work in Suffolk County have a couple of months to claim back what they have put into insurance? If they've laid out money and they could get reimbursed, is there a certain amount of time, like a three-month period, going into the next new year that you don't even know that they've had a claim, but they can put it in in January February or March?

MR. POLLERT:

That is part of the IBNR. And then the remainder of the IBNR is the processing of claims that were like either appealed or that bounce back and forth between the doctors, the hospitals, and the County. Quite often, even if you properly report a claim for services provided in December, it may take one or two months prior to those claims actually coming into the County.

LEG. FIELDS:

And do we know from year to year or from past years experience, have we been prepared for the amount of money that comes in after the year ends and the new year begins for those kinds of claims? Have we been on the mark with --

MR. POLLERT:

No, we have not. What, in fact, we have been doing is paying from the current year the previous year's expenditures.

LEG. FIELDS:

Have we -- how much have we been off, just a -- is it millions?

MR. REINHEIMER:

That can vary from year to year. Yeah, it's millions. The problem that hit in last year, 2002, was a result of understating 2001 and sliding about 6 million dollars of 2001 claims into 2002, and that created the appropriation shortfall last December that we took care of and had to pass a resolution to increase the appropriations in health insurance.

The way things look now, the outside auditors have made allowances for IBNR. They looked at past years to see what was out there. They're using Suffolk County's specific information, rather than industry-wide information, and they're trying to tailor their forecast based on our utilization and our past history.

LEG. FIELDS:

Okay. Thank you.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. My question is to Budget Review. I just want to clarify. The amount that this resolution that is seeking to remedy, as far as the additional cost to the County's Employee Medical Health Plan, when we were going through the budget process, the number that was plugged into the budget for 2003 for the health plan, did we go with the County Executive's request, or did the County Legislature reduce the amount that was requested?

MR. POLLERT:

The County Legislature did not change the County Executive's request for 2003. What we did is we increased the amount of money for 2002. So we thought that 2003 was properly forecast, but we knew that 2002 was underbudgeted. That's part of the reason that the Legislature requested a Certificate of Necessity from the County Executive and increased appropriations by more than 8 million dollars for 2002.

LEG. CARPENTER:

Okay. Thank you.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Fred, on here, drug claims went down almost 2 million dollars?

MR. POLLERT:

No, because there were three line items on the drug claims, if you look at the drug claims.

LEG. ALDEN:

No, but just drug claims went down, but the mail order drug claim went up.

MR. POLLERT:

Yes.

LEG. ALDEN:

Okay. Did we budget -- in the past, have we budgeted a line item for mail order drug claim or this new line item.

MR. REINHEIMER:

When the plan first started, we had a mail order component, and then for whatever reason, that was dropped and now they're going back to a mail order component. So it was here in the past, then we didn't have it, now we have it back again.

D.P.O. CARACAPPA:

Legislator Lindsay, and then we'll go to a vote.

LEG. LINDSAY:

So the 6 million dollars that we did not anticipate in the budgeted money, it sounds like a huge amount of money, but on the overall scheme of things, what are we looking at, about four points, 4%, 3%?

MR. POLLERT:

It's roughly 3% on the entire cost of the program.

LEG. LINDSAY:

Which, if you can forecast medical expenses today within that range, you're doing pretty good.

D.P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor?

LEG. FOLEY:

We need members.

D.P.O. CARACAPPA:

I'd ask all Legislators to report to the horseshoe. All in favor? Opposed?

LEG. ALDEN:

Roll call.

D.P.O. CARACAPPA:

There's a roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

(Not Present).

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Pass. Oh, this is abstain, abstain, abstain.

LEG. COOPER:

Yes.

MR. BARTON:

Legislator Caracciolo. Fourteen. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Thank you. **1779 - Authorizing the sale of four (4) surplus County cars to the Village of Patchogue.**

LEG. FOLEY:

Motion to approve.

D.P.O. CARACAPPA:

Motion to approve by Legislator Foley.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary. On the motion?

LEG. FOLEY:

Just on the motion, quickly.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

Hold on. On the motion, Legislator Foley, then Alden.

LEG. FOLEY:

Thank you, Mr. Chairman. This is a resolution reintroduced. The prior one had received, I think, 12 votes, but I believe we need 14. And I would just add to the record that we didn't have the last time, is that there are a number of what I would call chaired services that the Village of Patchogue does for free for the County, and, in essence, this is a way of defraying that cost. It runs the gamut of, particularly in the Sixth District Court grounds, to do some of the maintenance on those grounds, to take care of the litter baskets that are there. They also clean at different times the roads and the sidewalks that are along the County roads within the Village, that's really under our warrant. So there are a variety of things that the Village does, at no cost to us, which otherwise we would have to do, and this is a small, I would submit, this is I small way of, let's say, saying thank you to the Village by giving these cars at discount. But, at the

same time, they'll be using these cars for public purposes in order to fulfill their missions to the residents of the Village of Patchogue.

So I would ask that this would be approved today. There are things that the Village does for us that they never give us a bill for, and in return, I think this is one way that we can -- we can show our appreciation for their cooperation with us in other matters regarding local government.

LEG. ALDEN:

Budget Review, the last analysis that I had I think was incorrect on this. It showed money coming into the County of 18 or 20 million dollars -- I mean, \$20,000. What's the cost of this?

MR. POLLERT:

We have to look up the financial impact statement.

LEG. FOLEY:

I would question the -- Legislator Alden, I would question the -- not only is there a question of appraisals of land, but I would question the appraisal of these vehicles.

LEG. ALDEN:

I hear you, Legislator Foley.

LEG. FOLEY:

I don't think they're worth \$6,000, even collectively.

LEG. ALDEN:

Well, I think they put a value on them that was close to \$20,000, though.

LEG. FOLEY:

Well, for all four, that's correct.

LEG. ALDEN:

For all four.

LEG. FOLEY:

That's correct. And I really question that.

LEG. ALDEN:

Yeah. I'd like to just see that, because then I have a number of questions and --

LEG. FOLEY:

You really want -- okay.

MR. SPERO:

The total value of the vehicles is \$18,500.

LEG. ALDEN:

18,500. Now, that's the value that was put on it by Suffolk County, the appraising -- through the appraisal process?

LEG. FOLEY:

No, I think that's the -- you want me to answer? I think Steve Arata arrived at that figure himself without going to any appraisal.

MR. POLLERT:

Right.

LEG. ALDEN:

Right. So use the Blue Book, and then this is in anticipation of what they would receive at auction. I think that Legislator Lindsay at the last session had made a statement that he was going to put in a resolution, and I'd like to work with him on that, where if some of these vehicles are put up for auction, they don't meet the reserve, then we would be free to transfer them at some other type of -- you know, for a different value than what was established.

But the auction process truly establishes the absolute value of these vehicles. If it's anywhere's close to \$18,500, I really question what we're doing to the taxpayers, because that would indicate that there's a residual value of these vehicles, whether we should use them or reassign them to a different department, to continue the use of them, because, surely, if a school district wants them that bad and there's other indications of other school districts and other people that want these vehicles that badly, and they're going to actually use them. They're going to put a couple of dollars into them, they're going to put them out on the road, and they're going to use

them for governmental purposes.

What are we doing declaring these as surplus and throwing them out of County government? Because we've taxed the people to pay for these things, we've taxed them to keep the upkeep on the vehicles, and now there's \$18,500 that we're going to forego and we're going to give these vehicles away. So I'm really going to the heart of how we actually dispose of these vehicles. And, you know, I have nothing --

LEG. FOLEY:

I know.

LEG. ALDEN:

-- against Legislator Foley, absolutely nothing against Legislator Foley, and nothing against the Village of Patchogue, but I see it as an improper use of taxpayers' money to go and give \$18,500 worth of vehicles to the Village of Patchogue or anybody, actually.

LEG. FOLEY:

Mr. Chairman, I'm going to change my motion to a table, because there's not enough votes to approve.

D.P.O. CARACAPPA:

Motion to table by Legislator Foley, second by myself. All in favor? Opposed?

LEG. FOLEY:

And just before you call the vote, I would just say here's the major difference. A lot of these County vehicles up to this point were used County-wide. Because of the number of miles on them, the judgement has been made that they can no longer fulfill, let's say a County-wide responsibility, but when you go to a school district geographic area or a village, it's a far, far smaller area that the car can simply go up and down a road maybe a mile, as opposed to going from Huntington to Orient Point.

So that's one of the reasons why, you know, the County needs to -- is getting rid of some of these, because they can't travel that far, whereas with the smaller municipality, they can simply go up the road, which is what happens with school districts, or for village government as well. But the motion is to table. Thank you, Mr. Chair.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah. I think Legislator Alden might find this humorous. You know, the State of Texas just this week, that radical government of the State of Texas, just approved a Constitutional amendment to allow the state to transfer surplus property to volunteer organizations and to municipalities. So, I mean, it's peculiar that, suddenly, this is considered --

LEG. FOLEY:

You mean, Texas is being progressive and we're --

D.P.O. CARACAPPA:

All in favor? Opposed?

MR. BARTON:

12.

LEG. BISHOP:

I just thought it was funny --

D.P.O. CARACAPPA:

Abstentions? It's tabled.

LEG. BISHOP:

-- that Texas was going in one direction.

MR. BARTON:

12.

D.P.O. CARACAPPA:

Moving on.

MR. BARTON:

12. It's tabled. (Not Present: P.O. Postal and Legs. Caracciolo, Guldi, O'Leary and Crecca)

D.P.O. CARACAPPA:

Moving on.

LEG. ALDEN:

Let's skip over 1224 until Legislator Postal is here.

D.P.O. CARACAPPA:

Actually, that's -- she's asked for a tabling on this, so I'll make a motion to table on --

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

-- 1224, second by Legislator Alden. All in favor? Opposed? Abstentions? 1224 has been tabled. 1380.

PUBLIC SAFETY & PUBLIC INFORMATION

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

(1380) Amending the 2003 Capital Budget and Program and appropriating funds in connection with the renovation, construction and additions to the Sixth --

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

-- **Police Precinct.** There's a motion by Legislator Carpenter, second by myself. There has been a corrected copy, and the offset has been changed. All in favor?

LEG. BINDER:

Roll call.

D.P.O. CARACAPPA:

Opposed? Roll call.

LEG. ALDEN:

What's the offset now?

LEG. CARPENTER:

Budget Review.

D.P.O. CARACAPPA:

On the motion.

MR. SABATINO:

The original offset was the Red Light Camera, but that was changed on August 12th, and a new offset -- I'm just looking in the book. Okay. 1380's new offset is Police Sixth -- no, it's not. It's still the Red --

LEG. LINDSAY:

There's no money, you used the money.

MR. SABATINO:

Wait.

D.P.O. CARACAPPA:

Fred or Jim.

MR. SABATINO:

No. There's a problem. We're missing --

D.P.O. CARACAPPA:

Budget Review.

MR. SABATINO:

We're missing the right version. Hang on one second.

MR. SPERO:

We have it on the computer.

D.P.O. CARACAPPA:

Please, go ahead.

MR. SPERO:

Reconstruction of Bay Shore Road was one.

D.P.O. CARACAPPA:

That's what I thought, right.

LEG. CARPENTER:

We have it, on Motor Parkway.

MR. SPERO:

One. The reconstruction of Motor Parkway is another. Renovations to Building 50, which is the MIS building, also used as an offset.

LEG. CARPENTER:

All of these --

MR. SPERO:

The total appropriation is \$125,000 for construction. This is for the installation of a radio -- monopole radio antenna.

D.P.O. CARACAPPA:

Right. All in favor?

MR. BARTON:

Bond.

D.P.O. CARACAPPA:

Oh, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

D.P.O. CARACAPPA:

Yep.

LEG. CARACCIOLO:

(Not Present)

LEG. GULDI:

Pass.

LEG. O'LEARY:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Pass.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yeah.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. O'LEARY:

Yes.

LEG. FIELDS:

Yes.

MR. BARTON:

16 on the bond. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1734 - Renaming Pine Aire Drive at North Bay Shore/Brentwood as "Raheem Heigher Drive". Motion by Legislator Carpenter.

D.P.O. CARACAPPA:

On the motion.

D.P.O. CARACAPPA:

Second by Legislator Alden.

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I'm going to have to table this, because the section of road -- we need to make a change, so we'll table.

D.P.O. CARACAPPA:

Motion to table by Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1740 - Accepting and appropriating a grant in the amount of \$35,000 (from the New York State Division of Criminal Justices Services for the Suffolk County Police Department to continue the Huntington Station Annex Program with 75% support).

Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1742 - Transferring and appropriating funds from the 1% bail fee account into the Department of Probation to implement an Alternative to Incarceration Program to reduce jail overcrowding and authorizing the County Executive to execute related agreements. I'm going to make a motion to table.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary. I'd like to ask some questions referring to this, but not now. All in favor? Opposed? Abstentions?

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

Can we not -- I spoke to the County Executive's representative about this earlier and wanted them to come address as to why --

D.P.O. CARACAPPA:

We're going to table it now, and when they come to speak this afternoon, we'll ask the questions on it.

LEG. CARPENTER:

So why don't we just hold it over until this afternoon.

D.P.O. CARACAPPA:

Well, I'm not going to support it today regardless, so I'm still going to maintain the motion to

table.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

There's a second. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1743 - Accepting the donation of two two-passenger year 2002 vehicles for the Suffolk County Police Department.

LEG. O'LEARY:

Motion.

D.P.O. CARACAPPA:

Motion --

LEG. ALDEN:

Is that for Patchogue?

D.P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

Sachem Schools.

D.P.O. CARACAPPA:

It's coming from the Town of Islip.

LEG. FOLEY:

Pete McGowan.

D.P.O. CARACAPPA:

There's a motion by Legislator O'Leary, second by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

It's approved. **1751, 1751A - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the replacement of County D.W.I. (Alternative) Facility (Capital Program Number 3044).** Is this a 14-voter?

MR. SABATINO:

No, this is a two-thirds. There's no change in --

D.P.O. CARACAPPA:

Motion by myself, second by --

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. GULDI:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

MR. BARTON:

16 on the bond. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

PUBLIC WORKS AND TRANSPORTATION

Moving to Public Works and Transportation. **1207 - Authorizing of alteration of rates for Sayville Ferry Service, Inc. for Cross Bay Service between Sayville, New York and the Fire Island Communities of Fire Island Pines, Cherry Grove and Water Island.**

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. CARACCILOLO:

On the motion.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Second by Legislator Guldi.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Is this your district, Brian?

LEG. CARPENTER:

It leaves --

D.P.O. CARACAPPA:

It's divided.

LEG. FOLEY:

It's part of -- it's in Sayville and it goes over to Fire Island, and as of the end of this year, it will be part of Legislator Carpenter's district, but until such time, it's in mine.

LEG. CARACCIOLO:

So the Legislator in whose district this service is provided support the resolution.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Thank you.

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed?

MR. SABATINO:

Requires 12 votes.

D.P.O. CARACAPPA:

Abstentions? Mark me as opposed.

MR. BARTON:

15. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Approved. **1531 - Approving amended cross bay ferry license for Bay Shore Ferry, Inc.**

LEG. CARPENTER:

Motion to table.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Carpenter, second by Legislator Alden. On the motion, anybody? All in favor? Opposed?

LEG. GULDI:

Opposed.

D.P.O. CARACAPPA:

Abstention? Mark me as in opposition. There's an opposition by Legislator Bishop, Legislator Fields, Legislator Guldi, Legislator Caracappa.

LEG. CARPENTER:

For the record, I would just like to state that I did see the principal from Bay Shore Ferry and he had requested that it be tabled for now.

LEG. GULDI:

Change my vote to a yes.

D.P.O. CARACAPPA:

Well, I had a different phone call from the principal this morning in my office saying that he had to rush his daughter to the emergency room this morning. He wanted to be here, so that we could move it forward, but he is not here based on that emergency, and he had asked that, if at all possible, he'd like it to go forward. But there's been a motion and a second to table.

LEG. VILORIA-FISHER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I would just like to ask the Chair why we're tabling it?

D.P.O. CARACAPPA:

I'm against the tabling. I'm against tabling.

LEG. VILORIA-FISHER:

I'm sorry. Legislator Carpenter, what --

LEG. CARPENTER:

I'll be happy to respond, since it is in my Legislative district now, and after January also. I was not prepared to support this anyway. There were some issues with the fact that there's another ferry company involved from Manhattan, or based in New Jersey, that is looking to come in and provide service. And, philosophically, I have no problem with someone else coming in to provide that service, but I feel that they should go through the same procedures that the Sayville Ferry did, the North Ferry, the Fire Island Ferries, every other company, and Bay Shore Ferry for that matter, where they have come and applied to the Suffolk County Legislature and provided the necessary information and disclosures before they were granted the permission to operate in the Great South Bay.

I'm really kind of perplexed at the message that came this morning, because it was loud and clear when I saw Mr. Hurley at the Point of Woods over the weekend. He came up to me, I did not solicit him, he came up to me and he said that he, you know, would hoping -- would hope that I would table it, and that I should communicate that to the Chairman of the Committee, which I did to Legislator Caracappa this morning. It was kind of a surprise to hear that there was a change.

I also know that there was some correspondence from the Town of Islip, that there were some issues, according to their Zoning Department, or one of the departments at the Town, where the

ferry company had not lived up to the agreements that they were supposed to be doing when they were first granted their operation to operate, or their license to operate, and now they're looking to turn around and assign, you know, part of that service. And I think -- well, enough said.

LEG. FOLEY:

Joe.

D.P.O. CARACAPPA:

I appreciate that. I'm going to put you on the list. The issue here mostly is with New York Waterway. And they came with their principal to the committee meeting, my committee meeting, Public Works, and they answered all the questions, and I think, in a way, that was satisfactory to the committee, that's why it's before us.

Also, it was brought to my attention recently that another company, in fact, one that came this morning to speak out against this resolution, I think it's Fire Island Ferries, they have a charter agreement with New York Waterways as well, where we agreed to issue them a Suffolk County license to run a service for Suffolk County residents on our bay in our county, and they're taking their boats and going to New York City and working in a charter agreement with New York Waterways, providing service to New York City residents under our license, and I think they're getting over a million dollars a year based on that.

LEG. CARPENTER:

Put me on the list.

D.P.O. CARACAPPA:

And it's ironic that they would come before us and say bad things about a company that's just doing the opposite, but bringing service into the County, and especially in light of the fact there's a hurricane looming off the shores of this coast, that when we have to evacuate Fire Island, and we need as many boats as we can possibly get our hands on, it's actually comforting to me that we have a company that follow all the rules and regulations of Budget Review and this Legislature as a mini Public Service Commission, and that they have met all the demands, and there's strict demands from this Legislature and the Budget Review Office, and that they would be denied based on some frivolous accusation that they're bringing extra boats in from the same company that another company is actually doing the same thing, but in reverse, and taking their

boats out of Suffolk County when we approved them for here. Next on the list is Legislator Alden, and then Fields, then Carpenter.

LEG. CRECCA:

Add me to the list, Mr. Caracappa.

LEG. ALDEN:

Just for the record, the terminal that this company uses is in my Legislative district, and I think even under the reorganization, it still stays in my -- and under reorganization, I think that they will still use that, if they're approved. And they can actually get a C.O. for the property, because as it stands right now, the Town of Islip, who issued a temporary Certificate of Occupancy for them to -- or to allow them to use it as a ferry terminal, has rescinded that, and they're actually in litigation with them for a breach of a bunch of the covenants and restrictions that were placed on the property and not performance.

In addition to that, I have a number of constituents that called me and complained about the service, that there was supposedly -- when it was presented to us, there was a schedule that they were supposed to follow and they have not adhered to that schedule.

So there's a number of issues that I believe are open that we are really charged with the duty of investigating, and to go forward at this point on this I don't think would be responsible on our part.

D.P.O. CARACAPPA:

That I fully agree with, Legislator Alden. Legislator Fields is next.

LEG. FIELDS:

I think I would like to reiterate what Legislator Alden is saying, and that this body has the job of overseeing this kind of activity, and when there are questions and people have approached us and we've received complaints or letters, that that's our duty to at least investigate it before we just approve it, knowing that there are some questions and there are some problems. So I would -- if there is not already a motion to table, okay, then I would like see this tabled.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CARPENTER:

I think I was next.

D.P.O. CARACAPPA:

You're next, Ang.

LEG. CRECCA:

Angie, I'm sorry.

LEG. CARPENTER:

Am I next, or Crecca?

D.P.O. CARACAPPA:

Yes, Angie. I'm sorry.

LEG. CARPENTER:

Okay.

D.P.O. CARACAPPA:

Then Legislator Crecca.

LEG. CARPENTER:

Thank you. I was not going to speak again, but I think I need to respond to something that was said characterizing the speaker this morning, who made some frivolous accusations, I think was the term that was used, and I think we should perhaps go back and look at that testimony this morning. I did not here anything that sounded like a frivolous accusation to me.

I think to characterize a -- you know, you talk about comparing apples to apples, this is definitely not the same kind of valid comparison to say that Fire Island Ferries received a million dollars to provide ferry service to the residents of New York City. First of all, I think that we need to check on exactly what that amount is, but that really is immaterial at this point.

When Fire Island Ferries provided services in New York City, it was after the disaster of 9/11, when they responded to a need to address a catastrophic situation and tried to move people in

the harbor, because New York Waterways was not able to do that.

D.P.O. CARACAPPA:

It wasn't just that time, Legislator Carpenter.

LEG. CARPENTER:

And it wasn't only just that time, the other time, it's my understanding that they, in likewise manner, responded to a situation during the transit strike, when people could not be moved around properly and adequately.

So, to characterize those set of circumstances with now New York Waterways wants to come in and provide scheduled service during the summer, it just isn't a valid comparison, and I think that needs to be said.

D.P.O. CARACAPPA:

I appreciate that. Legislator Crecca.

LEG. CRECCA:

Yeah. I just want to clarify something for fellow Legislators who were at the committee. For those who were at the committee, I apologize. But understand, too, that the request now is for, originally he wanted to try it for the one summer and it was a one-year extension. Legislators should be aware that they are requesting this through December of 2008, so there's a five-year license that is before you. That's number one.

Number two is I think it's important to note and I'd like on the record my opposition to it. I think the increased service is a good thing. But the problem I have is New York Waterways would be coming in and taking over operations, for lack of a better way of putting it, from Friday through Monday every week with their crews and all that. If we -- when we go to license under the current way our statute's written, we do a check of the company that's getting the license, we audit them. They do all the stuff that Budget Review does. None of that has been done with New York Waterways.

It's one thing to lease boats, and this is just my opinion. I understand and appreciate Legislators who don't agree, but, you know, I don't see our role. We should be doing the same type of check on New York Waterways, if we're going to allow them to run passengers back and

forth on Long Island, you know, in Suffolk County waterways from Friday through Sunday.

So that's my opposition to it and the reason why I won support it. Plus, I really have a problem with the fact that now it has to be five years, when he was going to try this for a summer. You know, I just think that's -- I don't want to be hitched into giving a license for New York Waterways for the next five years.

D.P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Thank you. I've been trying to follow this. It's a somewhat complicated back and forth issue, and many people's livelihoods are kind of on the line here, the ability to provide services on the line. It's important -- it's an important issue, but it's complicated. The arrangements are complicated. So I've been kind of mulling this around, and not realizing this went to five years, I had thought that maybe I'll give them the one shot.

The thing that had pushed me when the operator on this came, he said, "Look, I need one year. I've got to see if this is going to work. It's got to get me over the hump. I'm looking to buy another boat. I want to do it on my own. That's how I want to do this thing, but I need to do it this way for now, because I can't afford to do it any other way, and I'd like to get my own boat. This is my goal. But at least I need the one year to see if it's even worth it. Now I'm seeing that there was a corrected copy, I didn't realize that it's five years. And I have a concern when this thing goes to five years. Now, the store changes and now it's not just, "Let me see, let me just see if I'm going to buy y the boat in one year," it's a long-term relationship that I have a problem with. So, coming into this, I thought I would vote for it, but, at this point, because it's a five-year agreement, I'm going to be voting against it.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. If you look at the discharge without recommendation, there was one opposed. I was opposed, because I had opposed the resolution and wanted to keep it in

committee. There are still a number of issues that need to be more fully debated and discussed, particularly the comparison between the -- what Bay Shore Ferries is proposing here and what the Fire Island Ferries has done in a very limited way in New York City. I'm still opposed to the resolution.

There is a real issue of assignment of license, and the end run that I think, an end run that's being made around our responsibilities to thoroughly review the books of any proposed ferry operations, and the end run, as I see it, for New York Waterways through this assignment. But even beyond that, and the other reason -- and I want to put this on the record, it's not just -- what troubles me is not only the fact that there would be boats from the city coming out here from Friday to Sunday, speaking as a former deck hand back in my college days, I don't know how in God's name they're going to be able to go from New York City to Fire Island through the inlet during the summertime. But the other problem was, even the gentleman's own boat from Mondays through Thursdays, there was going to be one captain and two deck hands, and there wasn't any backup crew, but beyond -- there was no backup crew. And as we all know, particularly during the summer months, and there are things that happen along the Great South Bay, the fact of the matter is, there may be one or two times when the captain may not be able to work the following day, or deckhands can't; okay?

So when he said on the record there was one captain and two deckhands from Monday through Thursday, those things immediately send a red -- a flag up for me and for others who know something about this business. So for both reasons, I think we shouldn't expand their hours. There should be just on a limited basis that we so far have agreed to and see, in essence, to use a term from that field of work, as a trial run. Keep the limited schedule, see if they can keep to the limited schedule, which we're already being told they can't. So, if there's complaints about the current limited schedule, how in God's name can we approve an expanded one? Thank you.

D.P.O. CARACAPPA:

Keep in mind that -- Counsel, go ahead.

MR. SABATINO:

I just want to correct the record, Mr. Chairman. When the original license was granted on May 20th of this year by Resolution 343 of 2003, that was a five-year license. This proposal in front of you is not to change the duration. The proposal in front of you was to incorporate the waterways component, which was a new methodology of doing business, and secondly, it was to

get the calendar or schedule of work broken into three components, early part of, you know, Memorial Day to a certain point in the summer, then summer to labor day and thereafter.

LEG. FOLEY:

This would expand the hours, though.

MR. SABATINO:

But I want to make it clear that there is a five-year license in place --

LEG. FOLEY:

Right.

MR. SABATINO:

-- weather you pass this resolution or not.

LEG. FOLEY:

This expands the schedule, though. I mean, that's the main -- this greatly expands the schedule.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

I want to make a suggestion to my colleagues, which is that we need to define what our role is in these ferry issues, because it was my understanding from previous conversations on the record with Counsel is our role is to consider two things, you can correct me if I'm wrong, it's whether the public is safe on these boats and whether the consumer is protected; is that --

MR. SABATINO:

Reliable, safe, adequate service, coupled with rates that are fair and equitable. Those are the two major components.

LEG. BISHOP:

Reliable, safe, adequate, and fares that are equitable. We are not -- I mean, it seems to me that we're not to consider whether the operations of one company are fair as opposed to the

other company. I'm not saying that's not a fair thing to consider, because, ultimately, the long run health of the industry may depend on that, but we need to have a process or a resolution that defines what our role is and what Budget Review's role is, because if we want to regulate the entire industry and consider what's fair and good for it, I think we should have the right kind of staff that's -- you know, has the resources to do that. Otherwise, we should stick to what we're supposed to.

D.P.O. CARACAPPA:

I think our role is clearly defined and has for years and years.

LEG. BISHOP:

This debate is running far afield.

D.P.O. CARACAPPA:

Right, I think -- absolutely correct. Legislator Lindsay, then Legislator Carpenter.

LEG. LINDSAY:

I pass.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

I think Legislator Bishop raised a very good point, and I think we are doing just that, and Legislator Foley touched on it. If we are supposed to be overseeing these operations and making sure that there is, to quote you, reliable, safe and adequate service, as Legislator Foley said, that comes in question what the amount of staffing on the boats. But with the issue of them assigning their rights to operate on the bay to a company from New York City, that is not only coming in here with their boats, but with their crew, with their crew, and I think that is where I particularly have a concern with the reliable, safe, and adequate service that would be provided.

D.P.O. CARACAPPA:

That's it for now. Legislator Foley, you said you worked for Fire Island Ferries?

LEG. FOLEY:

No.

D.P.O. CARACAPPA:

Oh, okay. I was going to say, you're going to have to recuse yourself, because you received a paycheck from them.

LEG. FOLEY:

No. It was -- now it's going to be --

D.P.O. CARACAPPA:

I was just joking.

LEG. FOLEY:

Now it's going to be many years ago. No. But we should state it for the record, it's for a former ferry company that's no longer in operation.

LEG. CRECCA:

Because you worked there.

LEG. FOLEY:

No. That happened after I left. When I was there, they were doing great.

D.P.O. CARACAPPA:

Well, you know, I respect my colleagues' opinions, as you all know, but my opinion is I think we're being unfair to one operator here, because it's going to provide competition for another, another ferry service. The fares are lower, their service is expanded, and the need is there from the consumers of this county. I see it being no other -- for no other reason that we keep blocking this application time and time again, except for trying to suppress competition, but those are my feelings.

There's a motion to table and a second. All in favor? Opposed? I'm opposed.

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Legislator Guldi, Legislator Vilorio-Fisher, Legislator Lindsay, Legislator Bishop, Legislator Cooper, and myself.

LEG. CRECCA:

You, Maxine here.

D.P.O. CARACAPPA:

Legislator -- Presiding Officer Postal, there's a motion that we're voting on right now to table the Bay Shore Ferry license. How would you like to cast your vote?

P.O. POSTAL:

I'll just abstain.

D.P.O. CARACAPPA:

Abstention from Presiding Officer Postal.

MR. BARTON:

Ten.

D.P.O. CARACAPPA:

It's tabled. **1744 and 1744A - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the dredging of Moriches Inlet for Smith Point Park Beach replenishment.**

LEG. FOLEY:

Mr. Chairman.

D.P.O. CARACAPPA:

Is there a motion?

LEG. FOLEY:

I'll make a motion, if we could pass over this until this afternoon.

LEG. O'LEARY:

I'll second that.

LEG. FOLEY:

What I would like, Chairman, to do is to have the Commissioner of Public Works here, and if possible, the Commissioner of Parks, because one of the -- one of the reasons, if colleagues could bear with me, one of the reasons that this was discharged without recommendation, we're waiting to try to get some clarity to the point of whether the cost is 1.5 million to transfer the dredge spoils from the site immediately next to the jetty at Smith's Point. The Commissioner of Public Works said it was closer to four million. And we had asked before -- by today for the Executive Branch to give us some clarity as to whether it's one-and-a-half or four mill. and we haven't --

LEG. VILORIA-FISHER:

Big difference.

LEG. FOLEY:

There's a big difference, as was mentioned, and we haven't received any clarity on it. We haven't received any correspondence or any word from the Exec as to how much the cost is going to be.

D.P.O. CARACAPPA:

Right. And, also, keep in mind, Legislators, this was not supported by the Department of Public Works and the Commissioner based on the offsets that were provided by the County Executive. So, at this point, I don't think it's necessary for the Commissioner of Public Works to come, because he has spoken out against this resolution. It was up to the County Executive and the Parks Commissioner to come, and that was requested to come and explain the whole process with relation to the resolution. So I will skip over it for now, but --

LEG. FOLEY:

We'll ask the --

D.P.O. CARACAPPA:

-- we'll have to see if Mr. Johnson has any information for us later this afternoon.

LEG. FOLEY:

Yes.

D.P.O. CARACAPPA:

Counsel.

LEG. FOLEY:

Thank you, Mr. Chairman.

MR. SABATINO:

There's also a conflict within the resolution. It makes reference to a change the method of financing, which would be a three-quarters vote, but it actually has an offset. So I'm not sure which was intended, to change the financing methodology or to go with the offset, so it has to be reconciled.

D.P.O. CARACAPPA:

Actually, I'm going to make a motion to table.

LEG. CARACCILO:

Second.

D.P.O. CARACAPPA:

There's got to be a corrected copy. Second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

LEG. FOLEY:

List me as opposed.

MR. BARTON:

16-1.

D.P.O. CARACAPPA:

It's tabled. **1745 - Amending the 2003 Operating Budget and the 2003 Capital Budget & Program and transferring and appropriating funds in connection with the purchase of equipment for the fare collection system for Suffolk County Transit (CP 5651).** Motion by Legislator Foley.

LEG. VILORIA-FISHER:

I'll second.

D.P.O. CARACAPPA:

Second by Legislator Viloría-Fisher. All in favor?

LEG. ALDEN:

Is this a super-majority or --

D.P.O. CARACAPPA:

No, this is a ten-voter.

MR. SABATINO:

Two --

D.P.O. CARACAPPA:

Two-thirds.

MR. SABATINO:

Two-thirds, Mr. Chairman.

D.P.O. CARACAPPA:

It's not a bond.

MR. SABATINO:

Yeah. The serial bonds are going to be -- the serial bonds are going to be appropriated as well.

D.P.O. CARACAPPA:

So, we've got to do a roll call.

LEG. ALDEN:

I've got a question.

D.P.O. CARACAPPA:

Yes, Legislator Alden.

LEG. ALDEN:

This is changing the method of --

MR. SABATINO:

Oh, wait. I'm sorry, I jumped to 46. I'm sorry. Wait, wait. I apologize, wait. 45? No, 45 is amending the Capital Budget, it's a two-thirds vote.

LEG. ALDEN:

Does this change the funding source?

MR. SABATINO:

It's adding \$180,000 of serial bonds, so it's --

MS. BURKHARDT:

We have no bond.

D.P.O. CARACAPPA:

It's no bond.

LEG. GULDI:

Motion to table.

MR. SABATINO:

Well -- but it's amending the Capital Budget. You've got a two-thirds vote. You're amending the Capital Budget.

LEG. FOLEY:

Do we need a bond?

D.P.O. CARACAPPA:

Do we need a bond, Counsel?

LEG. FOLEY:

BRO, do we need a bond on this?

MR. POLLERT:

Basically, what this resolution does is it transfers \$15,000 from the Pay-As-You-Go Fund for a local match for State and Federal Aid. There is a portion that is going to be included with serial bonds, roughly \$30,000, but it's not appropriating it in this resolution. So I would defer to Legislative Counsel if it requires.

MR. SABATINO:

Two points. It's going to take a two-thirds vote to adopt this resolution, then, at some point, you're going to need a bond resolution. This is going to appropriate State Aid and Federal Aid at this juncture, so as long as two-thirds vote is adopted for this resolution, someplace down the road, there's going to have to be a serial bond.

LEG. FOLEY:

Mr. Chairman, even though I approved this out -- supported it out of committee, when you look at part of the backup, on July 7th memo from Charlie Bartha and Robert Bortzfield, it mentions not only amending the operating budget, but also says the SCIN Forms 175A and 175B are attached. Why -- SCIN forms are to hire personnel. Why would SCIN forms be attached to the resolution?

D.P.O. CARACAPPA:

Why would we be hiring staff as part of this resolution? Or is that correct, what Legislator Foley is saying, that based on the information, that there are SCINs involved, that we are hiring staff?

MR. SABATINO:

Well, there's nothing in the resolution that talks about staff.

LEG. FIELDS:

Motion to table.

MR. SABATINO:

I can't speak to who filed the backup. Maybe it's contemplated that out of the pay-as-you-go money, which is 15,000, maybe there's a contemplation. You would want to know the answer to that before you vote.

D.P.O. CARACAPPA:

There's a motion to table.

MR. SABATINO:

So the resolution itself, you wouldn't know that that was the case.

D.P.O. CARACAPPA:

There's a motion to table, and a second by Legislator Carpenter. All in favor? Opposed? Abstentions? It's tabled.

MR. BARTON:

17.

D.P.O. CARACAPPA:

1746, 1746A - Amending the 2003 Capital Budget and Program --

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

-- and appropriating funds in connection with the purchase and installation of bus shelters.

LEG. FOLEY:

Motion to approve.

D.P.O. CARACAPPA:

This is 80/20 match, I believe.

LEG. FOLEY:

90/10.

D.P.O. CARACAPPA:

90/10.

LEG. LINDSAY:

Second.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

All in favor? Motion by Legislator Foley, second by Legislator Vioria-Fisher. All in favor?
Opposed? Roll call.

MR. SABATINO:

No, bond.

D.P.O. CARACAPPA:

Sorry.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. O'LEARY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

Legislator Tonna (Not Present). 16, 1 not present.

LEG. FOLEY:

Mr. Chairman, just let me tell my --

LEG. ALDEN:

Henry, you should drop the "Legislator".

LEG. FOLEY:

Let me just mention to our colleagues here that what's really important about this resolution, too, is that no longer will the department have the functional looking shelters, but if you've ever gone to Garden City and seen the bus shelters that are in that village area, that's the same kind of design, if you will, that the County will employ for all future bus shelters. So I think that's a big step up for our bus patrons, and also for the aesthetics of them.

D.P.O. CARACAPPA:

Okay. I'd just like to remind everyone that in the lobby in a few minutes, there will be a presentation of the Silver Shield Award to six police officers with Legislator Carpenter and Presiding Officer Postal. There is an executive session at 2:30 today. And keep in mind, there are no public hearings.

LEG. BISHOP:

Is it possible to finish the agenda? We're like 15 minutes away, I would say.

D.P.O. CARACAPPA:

Well, they're having something in the lobby for police officers at 12:30, and we still have some work to do later on, so it's another couple of hours.

LEG. CARPENTER:

I just wanted to let you know that Vinny Iaria is here from Probation now, that resolution that we tabled that you said the County Executive could come up and speak about later. I don't believe Mr. Iaria will be available later, so if you had any questions of Probation on it, they're here now.

D.P.O. CARACAPPA:

No, we tabled that.

LEG. CARPENTER:

Right.

D.P.O. CARACAPPA:

Right.

LEG. CARPENTER:

To discuss it later was my understanding.

LEG. BISHOP:

No, we tabled it, I think.

D.P.O. CARACAPPA:

Tabled to bring it up at the next meeting.

LEG. CARPENTER:

All right, there you go.

D.P.O. CARACAPPA:

All right. Break for lunch, return at 2:30 for executive session.

[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:30 P.M.]

D.P.O. CARACAPPA:

Would all Legislators, please, report to the horseshoe. Okay. We have no public hearings this afternoon, but I'd like to make a motion to set the following public hearings: September 30th, 2003 at 10:30 a.m. in Riverhead for the following public hearings: Public hearing regarding 2004 Operating Budget, as well as the public hearing regarding Southwest Sewer District Assessment Roll. Motion by myself, second by Legislator Guldi. All in favor? Opposed? Setting September 30th at 10 a.m. for those public hearings.

Also, motion by myself, second by Legislator Foley, to set the date of October 8th, 2003, at 10:30 a.m., in the William Rogers Legislature Building in Hauppauge for the following public hearings: Public hearing regarding 2004 Operating Budget, also the public hearing regarding Southwest Sewer District Assessment Roll. All in favor? Opposed? Abstention? That public -- those public hearings are set.

Also, I'd like to make a motion by myself, second by Legislator Alden, setting the date of November 18th, 2003, at 2:30 P.M., in the William H. Rogers Legislature Building, Hauppauge, New York, for the following public hearings: Public Hearing 1773, 1785, 1801, 1805 and 1836. There's a motion and a second to approve those dates. All in favor? Opposed? Those dates are set.

At this point in time, I'd like to go into executive session to discuss the ongoing litigation with relation to our case involving the pharmaceutical litigation. In doing so, with relation to the motion, I'd like to recognize to stay our Counsel, our special counsel, as well as members of the County Executive's Office, Budget Review, and I believe that's all. I'd ask everyone else to exit the auditorium until the time comes where the executive session is concluded. Please, have the microphones turned off. All in favor? Opposed? We're going into executive session.

[EXECUTIVE SESSION WAS HELD FROM 2:31 P.M. TO 3:05 P.M.]

P.O. POSTAL:

I'd ask the County Executive's representative, Mr. Johnson, if he can come to the auditorium at this time?

LEG. BISHOP:

Joe, why can't we go back to the agenda?

D.P.O. CARACAPPA:

We're going to, but we have to -- we want to hear from the County Executive's representatives on several matters that we've skipped over on the agenda.

LEG. BISHOP:

Yeah, but why don't we just continue on on the stuff that we don't need them?

D.P.O. CARACAPPA:

Sounds good. Well, we're waiting for them.

LEG. NOWICK:

Yeah, let's start.

LEG. BISHOP:

Keep going.

LEG. VILORIA-FISHER:

Don't we have to say on the record that we're back from executive session? Excuse me, Joe.

Don't we have to say on the record we're back from executive session?

D.P.O. CARACAPPA:

Yes. Mr. Clerk, we are back from executive session.

MR. BARTON:

Yes, we are.

D.P.O. CARACAPPA:

There's a motion to come back into session by myself, second by Legislator Fields. All in favor?

Opposed? Abstentions? We're now back to the business of the agenda.

I'd ask Mr. Johnson to make his way into the auditorium, so we can discuss several agenda items. In the meantime, we're going to go back to the Public Works and Transportation agenda on Page 10.

PUBLIC WORKS & TRANSPORTATION

1747 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction of the bridges on CR 83, North Ocean Avenue over the Long Island Expressway, Town of Brookhaven. It was approved --

LEG. FOLEY:

Motion to approve.

D.P.O. CARACAPPA:

Approved 6-0. Is this a three-quarter, Brian? Budget Review?

LEG. FIELDS:

It's two-thirds.

D.P.O. CARACAPPA:

It's two-thirds. There's a motion by Legislator Foley, second by myself. Roll call.

LEG. BISHOP:

I don't think you have two-thirds.

LEG. FOLEY:

Mr. Chairman, on the motion. On the motion.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. BISHOP:

You're going to make a speech?

LEG. FOLEY:

I have to, there's not enough people.

LEG. BISHOP:

Well, just skip over it. There's enough people.

LEG. FOLEY:

There's enough people here? Okay. Well, this -- I would hope we would approve this resolution. It's important to the district and it's important -- is this the bridge resolution?

D.P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yep. All right.

LEG. BISHOP:

It's in critical, critical need.

LEG. FOLEY:

It is critical. It's critical. Let me tell you, right now, right now, cars at the end of the day are lining up right to the through lane of the Long Island Expressway. So we really need to get this approved, so we can make the improvements to the bridge. Thank you.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Pass.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

(Not Present)

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes for Brian Foley.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes, anything for Brian.

LEG. TONNA:

Well, if it's for Brian, I'll pass.

LEG. FOLEY:

There's no litmus test for this one, by the way.

LEG. COOPER:

Yes.

P.O. POSTAL:

(Not Present)

LEG. GULDI:

Yes.

LEG. LINDSAY:

(Not Present)

LEG. TONNA:

Yes.

MR. BARTON:

15 on the bond. (Not Present: P.O. Postal and Leg. Lindsay)

LEG. CRECCA:

He called the vote already.

D.P.O. CARACAPPA:

It's approved. 1755. Same motion, same second, same vote on the companion resolution.

LEG. CRECCA:

Mr. Chairman.

D.P.O. CARACAPPA:

Yes, Legislator Crecca.

LEG. CRECCA:

I make a motion to reconsider Introductory Resolution 1742.

D.P.O. CARACAPPA:

Which is?

LEG. CRECCA:

The transferring and appropriating funds from the One Percent Bail Fee Account into the Department of Probation.

LEG. CARPENTER:

Second.

LEG. CRECCA:

For the alternate --

D.P.O. CARACAPPA:

There's a motion to reconsider, second by Legislator Carpenter. All in favor? Opposed? I'm opposed.

LEG. GULDI:

Abstain.

LEG. BISHOP:

Opposed.

D.P.O. CARACAPPA:

Roll call.

LEG. FIELDS:

I'm opposed.

MR. BARTON:

Legislator Crecca.

LEG. CRECCA:

On the motion.

D.P.O. CARACAPPA:

On the motion.

LEG. CRECCA:

Just to my colleagues, I'm not asking you to vote for it at this point, but I'd like to -- Probation's been here for several hours, they stayed during the lunch break. I'd like to at least address some of the issues, certainly, at this point and see if -- if we can't come to a consensus, that's

one thing.

LEG. ALDEN:

There's a motion pending. Let's bring the person up and get rid of it fast.

LEG. CRECCA:

Well, there's a motion to reconsider.

D.P.O. CARACAPPA:

It's not before us.

LEG. CRECCA:

It's not before us, so motion to reconsider.

D.P.O. CARACAPPA:

There's a motion to reconsider.

LEG. ALDEN:

There was a motion pending.

LEG. GULDI:

I'd like to hear from the Probation Department to determine how to vote on the motion to reconsider.

LEG. ALDEN:

Good.

D.P.O. CARACAPPA:

Vinny, come on up.

LEG. ALDEN:

That's what I just said.

LEG. CRECCA:

Sorry.

MR. IARIA:

Yes.

LEG. CRECCA:

I'd ask the -- okay. I thought Bob was leaving. I was just going to say I'd ask Bob Smith to stay here, too.

MR. IARIA:

Bob Smith is here, too. Yeah, we have some people from the veterans group that we had planned to do this program with. We have John Lynch from United Veterans, and Bob Smith, who had run the Veterans Service Agency. And, essentially, all this program is, it's designed to do pretrial supervision, avoid sending somebody to jail that's a veteran, when we can stabilize that person with case management services provided by United Veterans Services, who already has a contract with the County to some shelter work. So I don't know what the issue is of why you would want this tabled.

There is money set aside in the special One Percent Bail Fund that is used for new programming, that can be used for new programming, and as part of the County's Alternative to Incarceration Plan that gets prepared by the Probation Department staffs for the Criminal Justice Coordinating Council. So it's a fund that has money available to it that can only be spent for this type of specific purpose. So we're recommending that this money be used.

And we put together this plan with the veterans, and if you want to hear Bob Smith or Mr. Lynch from United Veterans, I'd be happy to have you address them.

D.P.O. CARACAPPA:

Well, there's some questions first. Just so you know, we're under the impression that by approving this, you'd be taking money away from the Red Cross Community Service Program.

MR. IARIA:

Absolutely not. That has nothing to do --

D.P.O. CARACAPPA:

Oh, explain that.

MR. IARIA:

That has nothing to do with the Red Cross.

D.P.O. CARACAPPA:

Okay.

MR. IARIA:

This is not --

D.P.O. CARACAPPA:

That's what we want to hear. Tell us.

MR. IARIA:

This has to do with the One Percent Bail Fund. There is money in that fund and we often use it to fund new programming. One of the things is, one of the -- it has to be used for a new purpose, you can't use it to supplant existing programming. So we came up with a new wrinkle to work specifically, because -- with veterans, because we know veterans find there way out it in the local jail. We also know we have a war going on, and after wars people, come back with post traumatic stress syndrome. They do some strange things, they get re-arrested. We want to have case management and stabilization plans in place to avoid using the jail for those individuals, which we think we can work with successfully in the community, and that's simply what this is about.

You know, the Red Cross, if they have a plan that they want to tap into this money, they have to get approval from the Criminal Justice Coordinating Council and be part of the plan.

D.P.O. CARACAPPA:

In years past, has this grant or fund go to -- has it gone to Red Cross?

MR. IARIA:

They've -- we've got -- the Probation Department's gotten money, the Red Cross has gotten money, and probably a couple of other groups, but it's not -- it's not designated for the Red Cross.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

How much is the -- in this one percent surcharge account.

MR. IARIA:

How much is in there?

LEG. ALDEN:

Right.

MR. IARIA:

At this moment? I'm not quite sure, but there's enough, I know, to do this program, and we've crafted a resolution that hasn't hit the table yet to use the money on some electronic monitoring equipment and some other programming.

LEG. ALDEN:

Does the American Red Cross right now perform anything that's similar to this?

MR. IARIA:

No. They do community service. We do community supervision. This is Probation work. What we're going to do is team up with this Case Management Program. We do the monitoring of the criminals to make sure that they get back to court on their court date. These people are being held pretrial, that haven't been found guilty of anything, and we're offering them -- we're making -- we're telling the court, "Look, we can stabilize these people, so they don't have to be held in jail pending the outcome of their case." Now, if they're not -- if we're not successful, we arrest them and bring them back to court. Their bail is revoked, and then the court will hold them in jail until their court date.

LEG. ALDEN:

And what is the United Veterans? That's who the group is he said --

MR. IARIA:

United Veterans does some services for the County already, and they were going to provide some expedited services to veterans services, and also they would provide -- they also have a line on emergency housing and things like that, which is often one of the elements that you need to stabilize somebody, because the court is more apt to put somebody in had jail who doesn't have a good or a permanent address.

LEG. ALDEN:

Now who makes the determination as far as on rating the -- it's going to be the Probation report that would rate --

MR. IARIA:

Yeah.

LEG. ALDEN:

-- who's eligible and who's not?

MR. IARIA:

Right. The Probation Department, we have a set of criteria that we'll monitor. We have somebody in court making this recommendation to the Judge, and then we will put together the plan and oversee that the plan is carried out, that veterans will carry out their end and that Probation will carry out their end.

LEG. ALDEN:

And it will be discretionary upon the Judge as to whether somebody --

MR. IARIA:

The judge has oversight of this, the D.A., you know, will be involved, and, of course, the defense bar has something to say about it. They can say they don't want their person in the program.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah. Mr. Iaria, the program that you're offering is obviously necessary, it's welcomed, and it's -- perhaps it's innovative, I assume it is, but what I'm concerned about is what Legislator

Caracappa, Deputy Presiding Officer Caracappa mentioned, which is that this bail money, which I know from previous prior year budget resolutions that I have sponsored, was used to help bring the Red Cross up to the level that they needed to be. And it seems like the Red Cross suffered a significant hit this year in their operating budget. And I don't know, are you familiar? They come through your department.

MR. IARIA:

Right, right.

LEG. BISHOP:

What is -- for next year, are they -- what level of funding are they to receive? What did you recommend?

MR. IARIA:

Yeah, the same as this year.

LEG. BISHOP:

Right, which is 30% less than last year, correct, or something along those lines?

MR. IARIA:

I don't have it in front of me, but I can get that.

LEG. BISHOP:

I believe that's the number that --

MR. IARIA:

But be that -- be that as it may --

LEG. BISHOP:

So why can't we have both, is my question?

MR. IARIA:

Yeah, you can have both, but what you would do is you would lose revenues to County operations, because we have a proposal that we sent through to the Criminal Justice Coordinating Council to fund some additional positions for electronic monitoring, etcetera. Now,

if you would prefer to use that money for the Red Cross, you know, that's your call.

LEG. BISHOP:

Is the hundred percent of the bail money --

MR. IARIA:

But I would recommend that you not hold this program up, because there is sufficient money in that fund to do both.

LEG. BISHOP:

See, one of the frustrations I've had as a member of the Public Safety Committee for most of the ten years I've been here is this seemingly adversarial relationship between the Red Cross and your department, and I've tried to get them out of your department, in fact, because it just doesn't seem to work for either party. But what I want to know is this -- the hundred percent of the bail money is now being appropriated with this?

MR. IARIA:

No.

LEG. BISHOP:

Is it exhausted?

MR. IARIA:

No, it's not exhausted.

LEG. BISHOP:

So I can't --

MR. IARIA:

This doesn't exhaust the Bail Fund.

LEG. BISHOP:

Okay. So then I can help the Red Cross restore --

MR. IARIA:

Well, you can, but there is a procedure to go through. This has to be part of the ATI plan.

LEG. BISHOP:

Well, I don't have to -- I don't have to go through the Criminal Justice Coordinating Council, do I, as a Legislator?

MR. IARIA:

Well, there's State law on what the ATI plan is and --

LEG. BISHOP:

So, will you support the restoration of Red Cross funds?

MR. IARIA:

That's a question for the County Executive. I, in terms of --

LEG. BISHOP:

Well, you're the administrator of her program. I mean, she goes through you, no?

MR. IARIA:

I believe that they could use some additional money because of the change in legislation, but that -- you know, that's what I believe. Now, what the County Executive -- I work for the County Executive and they have to evaluate my budget, and so do you, so --

LEG. BISHOP:

Yeah. Well, I think the following: I think that you do a good job as the Director of Probation. I think Probation does an excellent job and they're a critical service. The one thing that I always have trouble with is this relationship you have with the Red Cross, and I would feel more comfortable if we could do a one percent bail fund resolution that addresses both the Red Cross' needs and this program.

MR. IARIA:

Yeah. And I would --

LEG. BISHOP:

And I know that you would argue that, you know, don't hold this up, but I have a sneaking suspicion that if we do this, the Red Cross is not going to move forward, so I want to try to merge them together and get them done together.

LEG. CRECCA:

Can I --

D.P.O. CARACAPPA:

Actually, there's a list.

LEG. CRECCA:

Oh.

LEG. BISHOP:

I'm done.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. CRECCA:

Joe, put me on.

D.P.O. CARACAPPA:

You got it.

LEG. VILORIA-FISHER:

Thank you for waiting.

MR. IARIA:

Hi. How are you doing?

LEG. VILORIA-FISHER:

I know it's a long day. I just have a couple of questions regarding this because I, too, am very concerned about the relationship between the Red Cross and your department. I'm concerned

about their ability to continue to do the do work that I believe they've been doing for a number of years as an alternative to incarceration. It's more than only community service, it is an Alternative to Incarceration Program, isn't it, the Red Cross program?

MR. IARIA:

Yeah, it's an Alternative to Incarceration.

LEG. VILORIA-FISHER:

Okay. And I was under the impression there was some counseling involved also in their program.

MR. IARIA:

They may have that. That's not what we contract for.

LEG. VILORIA-FISHER:

Okay. Well, let me go back over -- and I have a number of questions regarding this. There were several veterans who came this morning during the public portion --

MR. IARIA:

Right.

LEG. VILORIA-FISHER:

-- who appeared here and represented that they had never heard of this United Veterans--

MR. IARIA:

Do you want to --

LEG. VILORIA-FISHER:

No. Let me just ask you the questions.

MR. IARIA:

Yeah, sure.

LEG. VILORIA-FISHER:

How long have they been an organization with whom we've had dealings that we've dealt with?

How old an organization is it?

MR. IARIA:

You're asking me questions that Bob Smith can answer and Mr. Lynch can answer.

LEG. VILORIA-FISHER:

Okay. Then I'll hold those questions.

MR. IARIA:

Because essentially, the proposal was brought to us by the County Exec's Office, and Bob Smith, who had run the veterans, and we thought this was a very worthwhile effort and we crafted a plan with them.

LEG. VILORIA-FISHER:

Okay. Now, you had said that you had the opportunity to make use of this money, and that this was an agency that had a proposal. Did you give the Red Cross an opportunity to compete for these monies?

MR. IARIA:

That's not my role, that's the Criminal Justice Coordinating Council role. I run the Probation Department.

LEG. VILORIA-FISHER:

Well, as far as you know, did they have an opportunity to present a plan?

MR. IARIA:

They've gotten money in the past, and one of the problems is --

LEG. VILORIA-FISHER:

But my question is about this money. Did any other agency have an opportunity to try to access this money?

MR. IARIA:

I don't know.

LEG. VILORIA-FISHER:

Okay. You answered Legislator Bishop when he asked if we could provide this money and also provide money to the Red Cross and you said, well, yes, the option would be that you would use the money that's earmarked now for the monitoring equipment. However, I think that what we're looking at is rather than substituting the Red Cross for the monitoring equipment, earmarking this money for the Red Cross, the \$86,000 for the Red Cross.

MR. IARIA:

Well, that may be --

LEG. VILORIA-FISHER:

For those of us who have seen them as very viable.

MR. IARIA:

I would recommend against that, because that -- you know, it's two different programs. We're not looking for the veterans to do community service work, we're looking to do case management work with veterans.

LEG. VILORIA-FISHER:

But I believe the Red Cross has represented that they do some case management and counseling.

MR. IARIA:

Well, the Red Cross hasn't. Ms. Smith has represented that. I talked to Diane Amarosa, her boss, and I think she's in agreement with -- she would be in agreement with me. She feels that there's probably -- that, you know, the Community Service Program needs some additional funds, and that's something that, you know, this body should take a look at, and I'm not -- especially in light of the change in the law. But for this -- for this group to do -- for Community Service to do case management for veterans when we have a case -- when we have a Veterans Agency available doesn't make sense to me, and I would go with the people that have the experience doing this.

LEG. VILORIA-FISHER:

Okay. Would you like Mr. Smith to come up now to answer my questions?

MR. IARIA:

Yeah, so you can know who -- know what this is all about.

LEG. VILORIA-FISHER:

Okay.

MR. SMITH:

Hello, everyone.

LEG. VILORIA-FISHER:

Hi. How are you?

MR. SMITH:

You know, when I was a member of the Criminal Council Coordinating Committee, I used to just hear Joe Michaels in the the committee talk about overcrowding in the jail, a large veteran population. Many of them come back from the war and they have some problems, but not serious enough to make them -- have them get a felony against them. So I -- this is the first I'm hearing about Red Cross.

I do operate a little bit out of the box, and I just thought it was innovative to come up with a plan to say, hey, look, if we can keep a returning veteran or veteran who may have a felony against him, which is difficult enough to get a job without a felony, why can't we, if we have a team -- Suffolk United Veterans has been in existence since 1989, they have been working with us. They also do my veterans emergency transportation, where we take veterans all over the place, eliminating problems with transportation. So they are out there in the community. Now, not every veteran is going to know about them, but they are a not-for-profit in existence and they do case management.

So I just thought that, hey, look, if we can keep a veteran out of jail, have a place for him to live, have Probation monitor him, maybe we could free up the 75 or 100 beds that are being used now and save the County over five years million of dollars. I mean, we're not talking a whole lot of money. This is the first I've heard about -- there was no competition or anything like that when I proposed it to the committee. I just said, "Hey, let's keep some people out of jail." A lot of our veterans are minorities. Once they get a felony against them, it's very, very difficult to find work. We're just trying to help the veterans. This is veterans helping veterans,

that's all this is about.

LEG. VILORIA-FISHER:

And that's a point very well taken. There was an interesting report. You might want to look on the internet this morning on MPR regarding the difficult --

MR. SMITH:

Yes.

LEG. VILORIA-FISHER:

-- transition for veterans.

MR. SMITH:

Yes.

LEG. VILORIA-FISHER:

-- and how many years it takes for them to make that transition, and homelessness amongst them and criminal activity. So that's very well taken. But who are the principals, who are the directors of this group, United Veterans?

MR. SMITH:

That's John Lynch.

LEG. VILORIA-FISHER:

That's John Lynch.

MR. SMITH:

He's President and CEO.

LEG. VILORIA-FISHER:

Okay, he's the President and CEO. Okay. And the other projects, the Medical Transportation Program, that's --

MR. SMITH:

That's something that's not up here today, that's just something else that we do.

LEG. VILORIA-FISHER:

But that is another thing that they have, that this not-for-profit has done?

MR. SMITH:

Shelters and homes also.

LEG. VILORIA-FISHER:

Okay. And your association with them, are you a part of the group --

MR. SMITH:

Well, I'm on a number of --

LEG. VILORIA-FISHER:

-- or is it just an --

MR. SMITH:

I'm on a number of committees for the County Executive's Office. I was the former Director of Veterans Service Agency, so I do have my pulse on with some of the problems in the community. And right now, you know, you got to remember, veterans are people, they're no different, and they have the same problems everybody else has. They have -- you know, when you can't get to a doctor, that's what -- transportation is a big problem among veterans and the senior citizen population. I do have a problem -- solution for that some day, but that's a different matter.

LEG. VILORIA-FISHER:

No. I was just asking what your association was with this particular not-for-profit.

MR. SMITH:

Absolutely nothing.

LEG. VILORIA-FISHER:

Are you on the Board or anything like that?

MR. SMITH:

No, absolutely nothing. Just that whenever there's a homeless person, a veteran, we call them, they pick them up, put them up for the night. If there's rehabilitation, we call them. If there's alcohol or drugs, we call them. If there's case management, where he has to go in for -- because, as John will explain, homelessness is not the problem, there's usually a problem that creates the homelessness, so we're deeper than just putting someone --

LEG. VILORIA-FISHER:

How large an organization is it?

MR. SMITH:

John, you want to answer? I can't answer those questions, because I have no affiliation with them. Thank you very much.

LEG. VILORIA-FISHER:

Thank you. Thanks, Bob.

MR. LYNCH:

Good afternoon, everybody. My name is John Lynch, and I'm the Director and President of Suffolk County United Veterans. And what we do -- I'll just give a little background. We started in 1989. Some folks here may remember. We've been here a number of times before. We do shelter housing, transitional housing, permanent housing, senior housing, and homeownership for veterans. Our program, really, is homelessness to homeownership.

In addition to that, we do transportation. We have a transportation company. We have gotten grants from {Minetta's} Office in Washington, and we do what they call Job Access Reverse Commute for everybody in Suffolk County, not just veterans. We also do transportation for veterans, emergency medical transportation.

We do have a maintenance program, where we hire our veterans and put them to work in the maintenance, and we're interested in -- and we have a security guard business, which has just started up.

And we work with the prison system, the State of New York prison system, and we've taken many, many veterans from that program, where we work with the American Legion, and the veterans are funneled down from the prison system in the State through Staten Island. And if

they're a Suffolk County veteran, we go there and interview them and qualify them, if they're willing to perform and do the things that we need them to do -- what they need to do, not what we need them to do.

And, yes, I'm familiar with Linda {Boone}, who was here this morning, and I worked very closely with them at Washington level, and I'm on that board down there. So we have our fingers on the pulse of what's going on with the homeless and with the incarcerated veterans.

When this was introduced to me, I thought this was a really great opportunity, because it's very difficult for the ones who have done state time for us. We cannot put them into the security guard, so we can get them into the Transportation Division. After fighting with Lloyds of London, they finally agreed that we would -- they would insure us, and it came down to just that. And what I had to do was to tell them that if a man has a license, we're going to put him to work. Of course, the insurance is very, very high as a result but we do have it. So these are just some of the things we do, and I'm free to answer.

LEG. VILORIA-FISHER:

Did you appear before the Ways and Means Committee regarding a home that you were -- there was a 72-h and you were going to be using that home for homeless veterans?

MR. LYNCH:

No, I didn't. But I did appear with reference to some homes that the County was turning over to Brookhaven Town.

LEG. VILORIA-FISHER:

That's what I meant, yes.

MR. LYNCH:

Yeah, yeah.

LEG. VILORIA-FISHER:

Yes.

MR. LYNCH:

I sure did.

LEG. VILORIA-FISHER:

Okay. I'm remembering your voice now.

MR. LYNCH:

Thank you, okay.

LEG. VILORIA-FISHER:

Okay. Thank you very much, Mr. Lynch.

MR. LYNCH:

You're welcome. If you have any questions, please feel free to ask them.

D.P.O. CARACAPPA:

There's more. Legislator Nowick.

LEG. NOWICK:

Hi. How are you?

MR. LYNCH:

Thank you.

LEG. NOWICK:

I he just wanted to state that I -- I just wanted to state that I know that the job Probation is doing is excellent. And, certainly, I know Bob Smith, and I know when he asks for something, it's something he wants, he wants for the good of the veterans, and I understand that also. My concern here is that it did not -- and I do not want Community Service to not have enough funds. And if I -- I think that we should go back to the tabling motion, table this, look into it and just -- I would love to have some -- I would vote for this, but I would like to have some type of definite feeling that Community Service will not be underfunded next year because of that. If we could just take a little time, maybe one cycle, stay with the tabling motion, and see if we couldn't satisfy both parties here, I think that might be a better way.

Right now, I think we do not have enough answers. So, if my colleagues would agree, we could go back to that, look into it. I think we're all concerned about Community Service, as well the

veterans. And, as we said, we know what a good job Probation does, so let's just try to put it altogether, rather than losing this one completely.

D.P.O. CARACAPPA:

Legislator Guldi.

LEG. GULDI:

Yeah. My question is probably for Commissioner Iaria. You mentioned that this bail fund is only available for a new program and not for existing program. How long does a program have to exist once funded by this fund in order to be considered no longer new and eligible for this fund, but then a general budget item.

MR. IARIA:

We basically use about a three-year rule, because that's what's used with some of the grant funds, but it's not clear in the legislation. What is clear is that we have to put together an ATI plan as a County each year, and if they approve our plan, then it -- you know, then we'll be able to spend the money on something like this.

LEG. GULDI:

So, all right. So we don't know how much is in the fund, we don't know what else we're funding with it.

MR. IARIA:

Well, no. I know -- I know how much --

LEG. GULDI:

And we're not sure how long we can do it.

MR. IARIA:

No. I know --

LEG. GULDI:

Is that what you're telling me?

MR. IARIA:

No. I know how much is the fund. I don't have the --

LEG. GULDI:

How much is in the fund? Somebody asked that before.

MR. IARIA:

Well, at this point --

LEG. GULDI:

You said you weren't sure.

MR. IARIA:

At this point, I know there's enough of the 86,000, and I think there's probably 200,000 in the fund.

LEG. GULDI:

Probably 200,000 is different than the way you answered the question.

MR. IARIA:

So I can make a call to get you the exact amount.

LEG. GULDI:

Yeah. Well, that would be important.

MR. IARIA:

Okay.

LEG. GULDI:

That's why myself and my colleagues a moment ago asked this same question.

MR. IARIA:

But I know there's enough to fund some additional positions for the Red Cross, if that's what you wanted to do.

LEG. GULDI:

Well, how do -- yeah, but if that's what we wanted to do, how would we get it through that committee that you referred to as the initiating body to this fund?

MR. IARIA:

I don't know. We'd have to ask the committee.

LEG. GULDI:

But there's a three rule -- three-year rule of thumb is the answer to the duration question.

MR. IARIA:

Yeah, that's the rule of thumb, right.

LEG. GULDI:

All right. And if -- so, if we did it this year, you'd be talking about 2003, 2004, 2005 and part of '6, or not part of '6?

MR. IARIA:

Well, you've got to realize that this fund, when you expend the money, it builds up slow. It's not like there's always this amount of money to be available. It's based on how many bails we do and a percentage of that bail.

LEG. GULDI:

How much was it last year or the year before; can you give me any year's figure?

MR. IARIA:

Yeah. Last year, it was probably about, 30, 40,000 was left in it.

LEG. GULDI:

I see. So it's essentially one shot, it's not the recurring revenue.

MR. IARIA:

Yeah, it's a one-shot deal, that's it. It's one shot and it builds.

LEG. GULDI:

Okay. So I'd like to know, could you -- could, you please, make that phone call? Check what the balance of the fund is, what the annual volume on the fund is, and what else is in -- what else is currently using the fund.

MR. IARIA:

Okay.

D.P.O. CARACAPPA:

Legislator Foley. I'm sorry, Crecca, Foley and Lindsay.

LEG. CRECCA:

Yeah. What I would say to my colleagues is I think Ellie Smith has a very worthwhile program. We're about to go into the budget process; okay? Regardless of what comes over from the County Executive for.

Ms. Smith, we can fund that program with our omnibus however we think is appropriate. And I can say pretty clearly, I think it's a great program and I intend to provide enough funds, so Ellie could continue her program at, you know, a level that meets the need; okay? But this is the 2003 budget. This is a program that I think is extremely worthwhile. The group that they're talking about contracting with I believe went through an RFP process, and more importantly, they are a credible group that has done phenomenal work, especially in the area of transportation, and now I'm hearing about their other programs to deal with homelessness.

This is not about killing Ellie Smith; okay? I don't think there's a member at the horseshoe that thinks the Red Cross Community Service Program is a bad program, it's a good program, but let's not get -- this is not some plot to get rid of Ellie Smith. And if it is, you know what, we've got the power; okay? We do the budget for next year. You know, we can vote it in and we could override it, if we need to. But the -- so, the bottom line is, I would urge my colleagues, let them contract with this, let this program get started. We're talking about jails that are overcrowded and in bad condition. It's 86,000 for a pilot program that's darn good and that's going to help people who defended this country and who maybe are not doing too well and need help.

So, bottom line is let's stop all the debate, let's just vote on this, it's -- and let's let this program go forward. And I will make a commitment to all the nay-sayers out there that, you know what,

Ellie Smith will be fine, we'll fund her for next year.

LEG. NOWICK:

Okay. On the record.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

And Lindsay.

LEG. FOLEY:

As much as Legislator Crecca may want us to stop talking about this, but there's a few things I want to say. United Veterans has a location within my district on Route 112 and they've done a fabulous job over a number of years, and now, with the additional component of the transportation services that they provide, you know, they are an excellent organization, they would do a wonderful job here. And this resolution, after reviewing it more closely and hearing from the Director of Probation, this is not in competition with Red Cross, this is a more intensified approach to helping veterans. And as well as Red Cross does a number of things, I can't -- I would think, from a programmatic point of view, if you're a veterans organization that are helping other veterans in intensive case management, which this essentially is, I think this stands on its own merits, and it's not taking anything away from any other contract agency. I think they can both exist, Red Cross as well as this. So I would prefer not to wait six weeks, Mr. Chairman, and I'd like to see this approved today.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, it's really a question to John. How do you explain the VFW guys this morning saying they never heard of your organization?

MR. LYNCH:

Well, I don't think they were VFW. I was speaking to them in the lobby and somebody ushered them away from me. I was trying to talk to them to find out who they really were. They were from Lindenhurst, and they really didn't -- I don't know what they knew or what they didn't know, but there's lots of veterans who are not familiar with the ten percenters, which are the ones that we work with. These are the ones that need the most help, the ones that showed up with me in Vietnam who weren't in a lot of ways society-ready, as one of the Senators mentioned at that hearing we heard about this morning. He mentioned that at a hearing I was at in Washington. And so they don't understand what we do. And they may not know, because they may be spending time on other issues like --

LEG. LINDSAY:

But, John, you do outreach to all the different veteran organizations about the services you provide, right?

MR. LYNCH:

Yes. It's a question of how active these men are in their organizations. That has to be questioned. I didn't recognize any of them, and I mentioned them to the Director of Veteran Service Agency and he didn't know any of them. And Miss Smith was with them this morning, and I was chatting with them and she ushered them in here and had some slips for them to sign, or whatever. I don't know what was going on. I do know that they weren't familiar with, obviously -- I don't know what the testimony was. I'm lost. Not every veteran on Long Island knows about us. When I first came --

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

MR. LYNCH:

I'm sorry. When I first came, I didn't know there was a problem with homeless veterans either, so I learned.

D.P.O. CARACAPPA:

Vivian.

LEG. VILORIA-FISHER:

Actually, my question is to Commissioner Iaria. Is he Director? Director, sorry. I'll give you a raise to go with.

MR. IARIA:

I could use one.

LEG. VILORIA-FISHER:

Legislator Crecca represented that there was an RFP process, but when I asked you if there was any competition for this, you said no. There was not an RFP process, was there?

MR. IARIA:

I didn't say there was.

LEG. VILORIA-FISHER:

No, I know you didn't, I --

MR. IARIA:

There was a waiver.

LEG. VILORIA-FISHER:

I said that --

LEG. CRECCA:

I apologize.

LEG. VILORIA-FISHER:

-- Legislator Crecca said there was --

LEG. CRECCA:

I said I thought there was, but --

MR. IARIA:

It went through -- it went through a waiver committee.

LEG. VILORIA-FISHER:

Okay. I just want to clarify that --

MR. IARIA:

Yes.

LEG. VILORIA-FISHER:

-- for the record, that there was not an RFP process, because I had asked you a question indicating whether there was --

MR. IARIA:

Right.

LEG. VILORIA-FISHER:

-- any kind of competition or bid. And I'm just going to be very candid again with regards to another comment made by Legislator Crecca, which was that we would take care of the Red Cross program in our budget process. But last year, we thought that we had helped the Red Cross program in our budget process, and Red Cross did meet a great many obstacles in the Department of Probation in accessing the funds that we had earmarked for them, because they were -- they were filtered through the Probation Department. And so there's a great deal of lack of confidence that the Probation Department -- whether or not we say that we want to support the Red Cross program, we have a great deal of mistrust.

MR. IARIA:

Okay. When you say we proposed the plan that was different than the Red Cross plan, because we felt we could do it in-house, the minute you voted against that, that's over with. You know, that -- we're now -- we're not withholding any money from the Red Cross. We pay their claims on time, and as soon as they get them to us. So whatever you put in their budget, and they took a -- they took a significant cut, that's what we're dealing with. Now, if you want to put more money in, that's another issue. But, you know, I'm a professional.

LEG. VILORIA-FISHER:

Okay. And I believe --

MR. IARIA:

I'm a professional and I resent that we would do anything. You know, we made -- we made our position clear and it wasn't accepted, you know.

LEG. BISHOP:

Well, we did exchange some correspondence and phone calls, because it was brought to my office and brought to my attention that there was a problem between the department and this program. And what we're saying here on the record very candidly is that when we put money in a budget for a program, we want that program supported to the level of support that we have as policy-makers put forth.

MR. IARIA:

Well, if there is -- are you saying we withheld money from them that was in the budget? Because I'm not aware of that, if that's --

LEG. VILORIA-FISHER:

Well, I'm saying that things were very difficult for them to access it. It was very difficult for them to work with your department. And we're just hoping that in the future --

MR. IARIA:

They may have difficulty, but it's not on our end, I can assure you that. We're over that. We made our -- we made our case and didn't win. We're on to the next thing.

LEG. VILORIA-FISHER:

Well, this is where our mistrust of programs comes from.

MR. IARIA:

Because --

LEG. VILORIA-FISHER:

But this is not on this issue, and I often ask other Legislators to stay on a particular resolution, and I like to do the same. But I just want you to understand that it was put on the record that if we wanted to support Red Cross, we could just put it in the omnibus, and there is a level of discomfort about having of that kind of help from the department to help support that.

LEG. BISHOP:

Move it out of Probation.

LEG. VILORIA-FISHER:

Excuse me?

D.P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yes. I would urge my colleagues to move on this resolution. I believe it's a very worthwhile endeavor. However, Vinny, I do have one question of you. The monies generated after the once percent bail, all those monies in totality go to Probation?

MR. IARIA:

No.

LEG. O'LEARY:

They do not.

MR. IARIA:

They can, or --

LEG. O'LEARY:

No. I mean, does Probation have the total discretion of disbursing those monies as they see fit?

MR. IARIA:

No, no. That's the Criminal Justice Coordinating Council and the County Executive's ATI plan. We staff the Coordinating Council and we make recommendations. But, for instance, this veterans program, this wasn't our initiative, this was the County Executive's initiative. And we fully agree that it's a good initiative, but, you know, that's not --

LEG. O'LEARY:

But in no way would it be considered to be mandatory disbursements, it is discretionary, is it not?

MR. IARIA:

It's -- yeah, discretionary, sure.

D.P.O. CARACAPPA:

Okay. Finally, Vinny, you said earlier, and you may have mentioned this, so forgive me, an application, basically, has to be made to the Council and then it discretionally -- in a discretionary fashion, is handed out to the worthwhile programs; correct?

MR. IARIA:

Right.

D.P.O. CARACAPPA:

Okay. Just with a nod of the head, Ellie, did you make an application to the Council and were you denied, or --

MS. SEIDMAN-SMITH:

Denied.

D.P.O. CARACAPPA:

You were denied. Why were they denied, would you know?

MR. IARIA:

I don't know, but I didn't -- when did you put it in writing?

MS. SMITH:

When we talked, I said I would like the one percent % bail, you said no. I said I didn't qualify under 13(A).

D.P.O. CARACAPPA:

Ellie, just you were denied.

MS. SEIDMAN-SMITH:

I was denied.

D.P.O. CARACAPPA:

And if you could just quickly, what was -- when was that date?

MS. SEIDMAN-SMITH:

That was last time we met, I asked for the one percent bail --

D.P.O. CARACAPPA:

What was the date?

MS. SEIDMAN-SMITH:

It was in March of this year.

D.P.O. CARACAPPA:

March. Okay.

MR. IARIA:

And what I said is the County Exec's already had a -- the County Exec's already had a plan for that money, and that included the veterans and some positions for my department to bring in, you know, revenue for some jail overcrowding work.

D.P.O. CARACAPPA:

Is there a deadline in this calendar year to apply for these funds?

MR. IARIA:

No. It's a cyclical funding -- as funds accumulate, you can expend them. They have to be expend -- they have to be expended for alternatives to incarceration, and it has to be approved by the Criminal Justice Coordinating Council, which serves as the advisory committee for the ATI Plan.

D.P.O. CARACAPPA:

Ellie, I'd recommend that you do another application, make copies of it, and send it to each and every Legislator, and then make sure that we know that you are applying for it once again, seeing that there is no deadline, and, hopefully, you'll have a better result.

MR. IARIA:

And Ellie know that I don't have the power to reject these things. I can tell her what my opinion is, but, you know, it's the Criminal Justice Coordinating Council that makes those decisions.

D.P.O. CARACAPPA:

Well, now that we know that she is applying for it a second time, I'm sure that she'll have the full support of each and every individual Legislator as it goes forward to the Council for an approval or nonapproval.

With that being said, are there any other questions? There is a motion before us to reconsider and a second. All in favor? Opposed?

LEG. ALDEN:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Pass.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Pass.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

I would like to be clear on what exactly is reconsidering.

MR. BARTON:

Reconsider.

LEG. FIELDS:

Just to bring it back.

LEG. CRECCA:

Just to bring it back to the floor.

LEG. NOWICK:

Bring it back to the floor, okay.

LEG. BISHOP:

Yes, bring it back to the floor.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes, sure bring it back.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CRECCA:

Motion to approve. Oh, I'm sorry, you've got to call the vote. I apologize.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. LINDSAY:

Yes.

MR. BARTON:

16 on the reconsideration.

LEG. CRECCA:

Motion to approve.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

It's now before us again. There's a motion by Legislator Crecca to approve, second by Legislator

Foley.

LEG. CRECCA:

Roll call.

LEG. BISHOP:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

Can I ask Mr. Iaria a question?

D.P.O. CARACAPPA:

Quickly.

LEG. BISHOP:

Yes. Would you support moving the Red Cross out of your department? Perhaps that's the long-term solution.

MR. IARIA:

Yeah, that might be -- no. I think it rightfully belongs with Probation. Now, if there's -- if there's specific problems you want us to work on, I'd be happy to work on those.

LEG. BISHOP:

Well, it just --

MR. IARIA:

But it's essentially -- there's essentially a disagreement of how integrated it should be in the department. I want it more integrated. I want the Red Cross contractor --

LEG. BISHOP:

Contract agency.

MR. IARIA:

-- not to be making recommendations to the court that oppose what the official County recommendation is. I want our contract agency to perform the contract, and I'd be happy --

LEG. BISHOP:

I don't understand what that means, I'm sorry.

MR. IARIA:

Well, that's why we need to discuss it.

LEG. BISHOP:

No, I mean -- and I know you wanted a quick dialogue, but I --

MR. IARIA:

Right.

LEG. BISHOP:

Can you just explain that last point to me? You don't want them to make recommendations in court that --

MR. IARIA:

Yeah. I'm told that -- by Ms. Smith that she often makes recommendations to the court, and most of the time they agree with us. They shouldn't disagree with us at any time, because they're our contract agency.

LEG. BISHOP:

What do you mean they disagree with you?

MR. IARIA:

Well --

LEG. BISHOP:

Oh, with the Probation Officer's recommendation.

D.P.O. CARACAPPA:

Legislator Bishop, if I could just interrupt.

LEG. BISHOP:

So there's --

D.P.O. CARACAPPA:

If we could keep the dialogue to the issue at hand right now, and it's not the Red Cross, unfortunately, in this resolution, it's the bail money for this veterans organization. I think the discussion you'd like to have is better suited for the next committee meeting.

LEG. BISHOP:

I appreciate that. I'm going to blame Crecca, though, because he brought up taking care of the Red Cross in the budget as a solution. And I'd like to do that, and I think that's a good solution, but I also want to get an understanding with the Director of the Program. There's clearly some, you know, animosity that endures between them, which I would like to, you know, move past.

D.P.O. CARACAPPA:

That's not for this discussion.

LEG. BISHOP:

And I'd like to know that if we do fund the Red Cross, that every dollar that we budget for will make its way to the Red Cross.

MR. IARIA:

I'd like an --

LEG. BISHOP:

Can you make that commitment.

MR. IARIA:

I'd like an example when every budget --

LEG. BISHOP:

Well, then it should be easy.

MR. IARIA:

Any dollar budgeted for the Red Cross didn't go to the Red Cross. That would be illegal for us to do.

LEG. BISHOP:

Okay. So you'll support --

MR. IARIA:

So as long as their claims are accurate, they get what they're supposed to get.

LEG. BISHOP:

I will not -- I'm going to support this measure, but I would ask that my colleagues remember this debate and remember the dynamics that are occurring here, because I think we might want to find a way to get the Red Cross into a different department.

LEG. TONNA:

Why, because there's animosity?

LEG. VILORIA-FISHER:

Well, actually I had asked the Sheriff's Department to consider it, but it was -- the Sheriff's indicated that it belongs in the Probation Department.

D.P.O. CARACAPPA:

Okay. Roll call has been asked for.

LEG. TONNA:

Wait, I just --

D.P.O. CARACAPPA:

Oh, I'm sorry.

LEG. TONNA:

I have a question.

D.P.O. CARACAPPA:

I'm sorry, Legislator Tonna.

LEG. TONNA:

Does this -- voting for this resolution take money out of the Red Cross.

LEG. FOLEY:

No.

D.P.O. CARACAPPA:

No.

LEG. TONNA:

Okay. So it's two separate issues.

D.P.O. CARACAPPA:

Apparently. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Pass.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. LINDSAY:

Pass.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

Caracappa, I'm sorry.

D.P.O. CARACAPPA:

Yes. Henry.

LEG. GULDI:

Henry. Knock that off Henry. Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. GULDI:

Caracciolo is bad enough with one vote.

MR. BARTON:

16, 1 not present. (Not Present: P.O. Postal)

LEG. ALDEN:

Through the chair.

D.P.O. CARACAPPA:

Hold on. It's approved. Legislator Alden.

LEG. ALDEN:

Can the Clerk dispense with "Legislator" before our names and let's just -- we could move it along a little better, I think.

D.P.O. CARACAPPA:

You got that, Henry?

MR. BARTON:

Absolutely.

D.P.O. CARACAPPA:

At this point in time, I'd like to ask both Todd Johnson from the County Executive's Office, as well as Tom Isles, to come forward to discuss unanswered questions as it relates to 1768, and for Mr. Johnson, other issues that Legislators wanted to bring up. Let's go back to Page 8 in ELAP. **1768 - Authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Suffolk County Multifaceted Land Preservation Program.**

There was some concern. Why don't you -- I'm sure you know what their concerns were. Why don't you go ahead and explain your side of it.

DIRECTOR ISLES:

Thank you very much. The County Executive has put a bill in to -- known as 1768, to authorize an appropriation of funding for the acquisition of development rights to a number of farms, approximately ten farms. A question -- the program that's sought to be used for this is the Multifaceted Program, which is a Capital Program, of course.

The issue that came up at the committee meeting on this, and I believe was discussed today as well, was the question of should the appropriation come out of the Multifaceted account, or should it come from one of our other farmland acquisition accounts. We have, as you know, several programs for the protection of farmland, including the Quarter Percent Program has a component for farmland protection, as well as the Greenways Program.

I responded at the Committee, and I'd just like to briefly mention it today, that we would like to continue with our request for a resolution under Multifaceted for the following reasons. Number one, the Quarter Percent Program for farmland is a program that existed over the course of thirteen years, of course, and as sales tax proceeds are received, we then put it into the account and can buy farmland with it.

At the present time, in the Farmland Program, pay-as-you-go, we have an available amount of about 2.1 million dollars. The second program we have is the Greenways Farmland Program, of which we have available at the moment about 5.8 million dollars, which is, obviously, not insignificant, but the one big constraint we have on that one is that it's a 70/30 requirement with

the locality. Some localities do not have the 30% at this time to put forward, so, therefore, we are limited where we can use that.

The last account we have is the old Farmland Preservation account, of which Multifaceted took over, and that is now in basically a deficit mode of about 5.6 million in terms of we currently have a balance of 3.9 million. In negotiation, we have 9.6 million.

The basic point is that, as I just counted up at lunchtime today, we have 43 farms in negotiation at the present time, some in advanced stages, some with accepted officers, and so forth. What we're trying to do is anticipate what our expenditures are going to be.

The Multifaceted Program is, as I said, a Capital Program. And, in fact, the County has funded farmland protection from the 1970's using Capital Programs. The other programs that have come into effect, the Quarter Percent and the Greenways, were for the purpose of supplementing, not, I don't believe, substituting for the basic Capital Program.

I'll also point out to you that the list of farms that are on there, I certainly wouldn't expect that all of those farms would be acquired. There's an attrition rate on what's approved for planning steps or started of at least a 50% attrition rate.

And I'll also point out that any acquisition under Chapter 712 of our real estate procedures over a million dollars would require your approval specifically, so we would have to come back to you on that one.

So, just in summary, in view of the fact of having the 43 farms that we're currently working on, number one, secondly, in terms of the point I didn't mention, which is you previously authorized a reverse auction, which we will be doing a mailing on later this week, actually, to actually initiate the Dutch auction, reverse auction, we have a high expectation of transacting a lot of farm acquisitions, we hope, in the next six months or so, and we would respectfully request that this resolution be approved.

D.P.O. CARACAPPA:

There's also a question as to the fact that it was under the impression of the committee, the ELAP Committee, that you would look to do planning steps, as opposed to acquisition.

DIRECTOR ISLES:

Right.

D.P.O. CARACAPPA:

Please address that.

DIRECTOR ISLES:

That was definitely discussed by the committee and suggested, and we have been weighing that on our side. I would just like to make the point to you that we are in the -- it does reflect a shift in methodology in how we're approaching farmland acquisitions. Historically, what we've done is the Farmland Committee has reviewed the acquisitions, made recommendations. The legislation is authorized -- as I indicated, any acquisition over a million dollars would have to come back to you.

If the intent of the Legislature, the desire and will of the Legislature is that we, from this point on, do planning steps resolutions for farm acquisitions, we will do so. We will do our best to accommodate your wishes.

And I would just like to suggest that, perhaps, as we go forward with future acquisitions, that we will certainly take what you've -- the committee has suggested to us to heart. At this time, I'd like to move with this resolution, if possible, with the idea that future resolutions would be considered in the planning steps format. Obviously, I respect whatever decision you make.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Tom, what we're doing for here is flexibility in the funding source, the program that funds the acquisition of these farms. And I appreciate what you're saying with regards to the Greenways Program, that the towns in which some of these farms are located can't really afford to partner with us in the acquisition. Isn't -- is that one of the problems, that you --

DIRECTOR ISLES:

Yes, it is, exactly.

LEG. VILORIA-FISHER:

Okay. You also just mentioned that there are 43 farms in negotiations. And what's the breakdown in programs, are they all -- which program are they in?

DIRECTOR ISLES:

They're in all the programs I have. They're in the Capital Program, the Farmland Preservation, they're in the pay --

LEG. VILORIA-FISHER:

Greenways and Quarter Percent.

DIRECTOR ISLES:

Yes, exactly.

LEG. VILORIA-FISHER:

Okay. So you're tapping into those other programs through the negotiations that you currently are involved in?

DIRECTOR ISLES:

Well, when we come to --

LEG. VILORIA-FISHER:

It would have been those 43?

DIRECTOR ISLES:

I'm sorry, when we come to you for a resolution, we would then look at our account balances and distribution of available money, and so forth, and then suggest to the County Executive, and ultimately to you, which program it should come out of, in our opinion. But, depending on the balances, we will then go to the different programs that are available.

LEG. VILORIA-FISHER:

Okay. But, again, to represent what we were looking for in the -- in committee, I don't believe -- I, for one, was not looking for a change in the way all farmland is approached, but, rather, with these acquisitions, these ten farms that were in this omnibus --

DIRECTOR ISLES:

Right.

LEG. VILORIA-FISHER:

-- resolution, we were looking for flexibility in the funding.

DIRECTOR ISLES:

That would suggest, then, that the resolution would provide access to Multifaceted, Quarter Percent, I guess, and perhaps Greenways. I'm not familiar that historically we've written resolutions with that option of going from account to account like that. I could certainly speak with the County Exec's Budget Office on it and consider that, but my understanding is that when we bring a resolution to you, we're supposed to specify what program, what account --

LEG. VILORIA-FISHER:

Right.

DIRECTOR ISLES:

-- and so forth, to use it from.

LEG. VILORIA-FISHER:

But I think that's what why the planning step was suggested, because that --

DIRECTOR ISLES:

I understand.

LEG. VILORIA-FISHER:

-- would have provided that kind of flexibility.

DIRECTOR ISLES:

We would still in the planning steps resolution have a specific program. However, then, there would be the option at the time of an authorization to switch programs, if you wanted to.

LEG. VILORIA-FISHER:

Well, if you had this as planning steps, then, as you negotiated with the different farms --

DIRECTOR ISLES:

Right.

LEG. VILORIA-FISHER:

-- depending on which town they were in, the availability of the town money, then you would make the choice at that time as to which option would be the best option tailored to that particular acquisition.

DIRECTOR ISLES:

We could certainly do that. And, as I said, the acquisitions over a million dollars, doing it anyway, we do have to come back to you. So I don't have a -- you know, any kind of practical problem.

LEG. VILORIA-FISHER:

Well, if you had to come back to us, and we felt that that acquisition would best be done under a different program, could that change be made at that time?

DIRECTOR ISLES:

It's my understanding it could be.

LEG. VILORIA-FISHER:

Okay. And, Paul, you agree with that? Excuse me, Paul. I'm sorry. This is, I think, an important point. If we were to approve of this resolution on these farmland acquisitions today, and my guess would be that there would be several of them that would come -- that would reach the threshold of a million dollars at the time of acquisition, and.

Mr. Isles would have to come back to us for approval. Can we then change the funding program?

MR. SABATINO:

I don't want to use the word "unusual", but this is kind of an odd way to deal with the program. I mean, if we -- you're authorizing the actual acquisition, so either you're authorizing the acquisition, which means you're going out and you're saying these are the -- in this case, it turns out to be 43 parcels we're going to acquire, and this is how we're going to fund them.

LEG. VILORIA-FISHER:

No. Actually, they're ten, aren't they?

DIRECTOR ISLES:

Approximately ten, yeah.

LEG. VILORIA-FISHER:

Ten

MR. SABATINO:

Well, ten? Okay, ten. Whatever the amount is, okay.

DIRECTOR ISLES:

For this resolution.

MR. SABATINO:

But the point is you're either authorizing those or you're not. If you're authorizing them under Multifaceted, then the funding is already in place. It begins to draw down from whatever is left in the Multifaceted Program. It's not illegal, it's not -- you know, it's not that he characterized it as good, bad or indifferent, but it takes away from the precision and control that you as Legislators want to have.

LEG. VILORIA-FISHER:

But what Tom said was --

MR. SABATINO:

If there's money in the Quarter Percent Program -- you could -- you got to make that decision now. You can't just say we're authorizing the acquisition and we'll look at it later on and figure out where to plug it in.

LEG. VILORIA-FISHER:

Okay. So, Tom, Counsel is, I think, saying that he doesn't agree with what you just said, which is that when it comes back to us, that we -- which to me seems logical. If we're authorizing the acquisition under the Multifaceted, then, to be consistent, if it were to come back to us in an acquisition over a million dollars, if we were consistent with this resolution, we would approve it under the same program under which we had --

DIRECTOR ISLES:

That certainly makes sense.

LEG. VILORIA-FISHER:

-- given you the authority to go forward with negotiations.

D.P.O. CARACAPPA:

Mr. Isles, before you answer that --

LEG. VILORIA-FISHER:

So I think this would be the point where we would want to make the change.

DIRECTOR ISLES:

Okay.

D.P.O. CARACAPPA:

Fred, could you just weigh in with some information on this, please?

LEG. VILORIA-FISHER:

I'm sorry.

MR. POLLERT:

Just what's a little bit confusing about the resolution is that there's no appropriation funds. So the Multifaceted Program was approved with 13 million dollars, of which you have only had two appropriations. That appropriation is going to lapse at the end of the year, roughly. 12 million dollars. So saying that you want to purchase things out of Farmland doesn't do an appropriation. It doesn't tie up the funds, it does not appropriate the funds, so it's just -- to tell you the truth, I'm not sure exactly what the resolution is technically doing, because it's expressing an intent, but it's not following through to actually appropriate funds for the acquisition of farmland.

LEG. VILORIA-FISHER:

So, then, what Tom was saying would then make sense, because --

MR. POLLERT:

He would have to come back --

LEG. VILORIA-FISHER:

-- then he's saying at the time you come back to us, that's when the appropriation would occur?

MR. POLLERT:

It's not just a million dollars. Even if you wanted to buy farmland rights for \$20,000, he has to come back, because there's no appropriation of funds.

LEG. VILORIA-FISHER:

To appropriate the money.

MR. POLLERT:

Right. So it's not just a million dollars, he has to come back for whatever appropriation he wants, because the resolution doesn't appropriate funds, and it lapses at the end of the year.

LEG. VILORIA-FISHER:

Then, Fred, naming the program in this resolution is almost theoretical, it's not --

MR. POLLERT:

No. What it would --

LEG. VILORIA-FISHER:

Because you're not doing an appropriation and you're not impacting that program at all through this resolution.

MR. POLLERT:

Well, you would be impacting next year to the extent that they don't appropriate funds this year. You have now expressed Legislative policy, when you buy farmland, it will come out of next year's appropriation of 13 million dollars. So the key really is what the Executive intends to do with respect to appropriating these funds before the end of the year. Right now, they have not been appropriated.

D.P.O. CARACAPPA:

Paul, do you want to weigh in on what Fred's saying?

LEG. VILORIA-FISHER:

It gets curiouser and curiouser.

MR. SABATINO:

The point that I was making in the earlier conversation this morning was that to have the precision and the control, you would want to specifically appropriate from which of the programs you want. I thought that the 12 -- the 13 million dollars had already been appropriated, but, again, it goes back to the issue of, if you want to use Quarter Percent money, if you want to use Multifaceted money, if you want to use some combination of it, if you want to have that control, you've got to do it at the time that you're authorizing it, well, in this case, you're going to get lucky by accident, because the money hasn't been appropriated from the Capital Budget. But, for example, I don't know if the Quarter Percent has been appropriated, because if it has, then that money could be used.

MR. POLLERT:

The Quarter Cent money is included in the Operating Budget, it doesn't need to be specifically --

MR. SABATINO:

Yes, it does.

MR. POLLERT:

-- appropriated by the year end, because it will flow through as a fund balance to the following year, but it likewise has not yet been appropriated by the Legislature.

MR. SABATINO:

The key is whether or not it's been appropriated, because you have to appropriate the money out of the Quarter Percent Program to use it. That's been the whole issue all year long on the Open Space Quarter Percent acquisitions. The problem is, I mean, I think the dialogue highlights the fact that we don't really know what we're doing on this particular proposal.

LEG. VILORIA-FISHER:

You took the words right out of my mouth.

MR. SABATINO:

I mean, from a technical standpoint, I mean, normally, you want to do it with precision and accuracy and total control. The way you're doing it this way, it creates the impression that you've gone out and acquired, whatever it is, 343 acres of something, but you really haven't. So my only point would be why don't you nail it all down and say that you're using "X" amount of dollars from Quarter Percent, "X" amount of dollars from Multifaceted, so you don't have to worry about competing with some of the other programs that Legislator Bishop had mentioned earlier, and if there's anything that's eligible for Greenways, use up that, and then you know you've done a package that has finality and certainty.

D.P.O. CARACAPPA:

Okay. Legislator Alden.

LEG. ALDEN:

Tom.

DIRECTOR ISLES:

Yeah.

LEG. ALDEN:

Do you have accepted offers on these properties?

DIRECTOR ISLES:

No, we do not.

LEG. ALDEN:

Okay.

D.P.O. CARACAPPA:

Legislator Caracciolo, then Legislator Lindsay.

LEG. CARACCIOLO:

Mr. Chairman, I think, given the clarity, rather, that Counsel and BRO have given this issue, at

best, this resolution should be tabled today. The sponsor should do as Counsel enumerated, and that is clarify with specificity exactly what it is, what it is we're buying, and where those funds are coming from, which of our programs, because we have multiple sources of farmland acquisition funding. And if nothing is a certainty at this point, this resolution doesn't appropriate a dime, and, therefore, nothing's lost and nothing's gained by moving this resolution forward today. Counsel, is that a fair representation?

MR. SABATINO:

Yes.

LEG. CARACCILO:

Thank you.

D.P.O. CARACAPPA:

Okay. Plus, I believe it's structurally defective.

LEG. VILORIA-FISHER:

Tom's hand is up.

LEG. FOLEY:

I'd like to hear from to him.

DIRECTOR ISLES:

It does specify the program. We may disagree which program it should come from, it does specify it. There are existing appropriations of a little over 10 million dollars in Multifaceted. And, here again, if we have to come back to you for the specific parcel to buy it, if it's over a million dollars, we'd have to get an appropriation then.

We're more than happy to do this as planning steps, and I'll, you know, certainly go back and talk to the County Exec's Office about it. Just keep in mind, we're changing now what we've been doing for 30 years. If that's what you want to do, that's fine, but we have typically gone to the Farm Committee, asked for an appropriation, you then say, "Yes, do this," and we go out and we negotiate and we see if we can buy the property. That's all. I just wanted to make the point on it. We'll take all the comments under consideration and try to move this, but just understand our side of it.

D.P.O. CARACAPPA:

Okay. Legislator Lindsay, and Legislator Guldi, and Legislator Foley.

LEG. LINDSAY:

Tom, the intent of this --

DIRECTOR ISLES:

Yeah.

LEG. LINDSAY:

-- is that you think that we're going to purchase more property than we have in any one account, so you want to access to all three accounts; am I correct?

DIRECTOR ISLES:

We currently -- these parcels have not been authorized by the Legislature in any --

LEG. LINDSAY:

I know that.

DIRECTOR ISLES:

-- form, except for I think one. And so in order for us to start the process of contacting the owner to see if they're interested, getting appraisals and so forth, we need your authorization.

Typically, there's an attrition rate, because not everything that we think should be purchased for farmland protection we arrange a sale on, so, therefore, there's an attrition that happens of maybe one-half, or even greater than that. So that's typically how the process works, and then we'll come back to you specifically if it's over a million dollars and seek your specific authorization for that. If it's less than that, if there's an appropriation, we'll use that, if there's not an appropriation, we have to come back for an appropriation. I'm not making myself clear, I'm sorry.

LEG. LINDSAY:

Why can't we just spend down one account, and when we'd run out of money in that account --

DIRECTOR ISLES:

I don't think we have enough money in those accounts. If we have -- the Quarter Percent is 2.1 million. I have farms that we're talking on that are 5 million dollars for a single farm. That's not all of them, but it's not unusual to spend a million or two million dollars on development rights. If I'm looking at 43 farms, plus a reverse auction coming up in the next months, and I've got 2.1 million in the Quarter Percent, 5.8 million in Greenways, which is a 30% local match, and minus 5.6 million in --

LEG. LINDSAY:

Okay. But what does this do for us now? It isn't specifically appropriating money to purchase this piece of property from this account, it's just saying taking a general concept that we're going to use all three accounts to do what we have to do to purchase this property, if we have the opportunity.

DIRECTOR ISLES:

My understanding of the resolution is that it would authorize the acquisition under the Multifaceted Program, subject to any and all further requirements, such as the one million dollar threshold, and so forth, that may exist. But it's an authorization, and I'm not denying that.

D.P.O. CARACAPPA:

George.

LEG. GULDI:

Tom, let me try to clarify this. Without the authorization that's included in this bill, you can't order appraisals for these ten farms, can you?

DIRECTOR ISLES:

Right.

LEG. GULDI:

You can't contact the owners to express the County's interest in purchasing these farms, can you?

DIRECTOR ISLES:

Right.

LEG. GULDI:

If you had one of these owners walk through the door and offer to sell you the development rights on one of these farms at bargain basement prices, you couldn't say yes, could you?

DIRECTOR ISLES:

Correct.

LEG. GULDI:

If we pass this resolution, you could do all of those things, couldn't you?

DIRECTOR ISLES:

Yes.

LEG. GULDI:

But wouldn't you still have to come back to this Legislative body for appropriation of money to close on one of those -- on any of those ten parcels that are acquired?

DIRECTOR ISLES:

I'd have to come back for an appropriation. If it's not appropriated, I'd have to come back for authorization under Chapter 712 to go over a million dollars, to my understanding.

LEG. GULDI:

So to not pass this resolution leaves you with your hands tied and unable to pursue any of these ten acquisitions?

DIRECTOR ISLES:

Right. I think there's one that has an old authorization, debatable whether it's still effective or not, but other than that, yes.

LEG. GULDI:

And to pass this resolution gives you no ability to close any of these transactions without coming back to this Legislative body.

DIRECTOR ISLES:

Not that I'm aware of. I'd have to talk to the County Exec's Budget Office in terms any -- with any of the current appropriations, could they be used or not. I'm not sure. Certainly, anything over a million would have to come back.

LEG. GULDI:

Certainly. And, certainly, anything that there's no appropriation --

DIRECTOR ISLES:

Right, certainly.

LEG. GULDI:

-- would have to come back.

DIRECTOR ISLES:

Of course.

LEG. GULDI:

And you know of no appropriations, nor does anyone else.

LEG. VILORIA-FISHER:

He said 10 million.

LEG. GULDI:

Okay.

LEG. VILORIA-FISHER:

I thought he said there was 10 million.

LEG. GULDI:

All right. Well, thank you. I think it's critical that we move this forward, notwithstanding the reservations about it, so that you can essentially pursue these acquisitions.

LEG. VILORIA-FISHER:

I agree.

D.P.O. CARACAPPA:

Are you done?

LEG. FOLEY:

Guldi's excellent questions answered my -- addressed my concerns.

LEG. VILORIA-FISHER:

Okay.

LEG. FOLEY:

Very good, George.

D.P.O. CARACAPPA:

Vivian's up.

LEG. VILORIA-FISHER:

Actually, just to go back to Legislator Lindsay's point, which was accessing a variety of programs, in my previous question, where I referred to the 43 farms that are currently in negotiation, they are -- they reach out to a variety of programs, and we are oversubscribed. In other words, that does provide for attrition, losing some of them.

We also have before us the policy that was set forth at the State of the County Address, which was that reverse auction, which would give us more flexibility and negotiation, and attracting more farmland.

I'm astounded that the Legislator from the First District would oppose this when we're talking about critical farmland. This morning, he referred to the build-out in Suffolk County would be occurring around 20/10, and, yet, we're looking about -- at wasting six weeks before we even allow you to go forth and negotiate for the development rights of these farms. It's critical that we not lose any opportunities. It's critical that we go forward. Probably most of these would be over a million dollars, so you would have to come back to us --

DIRECTOR ISLES:

Yeah, probably.

LEG. VILORIA-FISHER:

-- anyway. I believe that we're not giving up control. And I have a question for Budget Review. Tom just said that there was 10 million dollars appropriated?

MR. POLLERT:

They have appropriations from previous years, but appropriations from previous years dealt with specific parcels. Funds were appropriated for specific parcels. I can give you --

LEG. VILORIA-FISHER:

Oh, named parcels under resolutions?

MR. POLLERT:

For named parcels. So, if you look at IFMS, they may have available appropriations of 10 million dollars, but they should be segregated for specific purposes. I don't know what their free balance is, number one.

Number two, the point that I was trying to make is that the funds for 2003 have not yet been appropriated. This is a 2003 resolution. I would imagine it would deal with the 2003 Capital Program. Those funds are going to lapse at the end of the year. I'm not aware if the County Executive intends to come in to appropriate those funds. But trying to purchase farmland against previous appropriations that may be for a specific parcel would not be appropriate.

DIRECTOR ISLES:

I'm not sure if they were against a specific parcel. I understand Mr. Pollert's point well taken. The problem with the farmland is that, since we've come in for an authorization, at that point, we don't have appraisals, so it's hard to do the value.

Once again, I go back to your point about the planning steps. Perhaps that's the best approach for us to take from this point forward, and that way we'd get the appraisals and come back to you and seek an authorization, it might be cleaner. Since we're coming back to you anyway now with pretty much most acquisitions on the one million dollar level, maybe as we go forward, that might be the best way of doing it.

LEG. VILORIA-FISHER:

Fred wants to say something.

LEG. CARACCILOLO:

Go ahead, Fred.

MR. POLLERT:

Just as a clarification, from a technical point of view, you don't need an appraisal to do the appropriation of funds. You can -- the County Legislature can do an appropriation of the funds included in the Capital Program. That will then reserve the funds and it carries from one year to the next, to the next, to the next. You don't need to have a specific parcel. In the past, you have appropriated the funds without them being associated with individual parcels.

D.P.O. CARACAPPA:

Mike.

LEG. CARACCILOLO:

Thank you. Counsel, just to hopefully, once and finally, clarify this issue, what exactly is accomplished by this resolution if it is approved by the Legislature today? Do we purchase one acre of farmland if we approve this resolution? Does it authorize the purchase of one acre of farmland or more?

MR. SABATINO:

It authorizes the acquisition of approximately 396 acres. But based on the information that's come out today in terms of the dialogue and the debate with regard to the availability of the funds, nothing will happen, other than there's an authorization in place. I don't know if these -- again, if these are parcels that have been recommended by the Farmland Select Committee and are ready to go, I mean, normally, what's happened is you've had the money in place and then you've authorized the acquisition. Quite frankly, it was my error and my mistake. I really thought that we had appropriated the full 13 million on Multifaceted, and that's why I thought that Legislator Bishop's concern was a valid one, because you've got a whole bunch of other acquisitions that are out there competing for the same pot of money. If it's not -- if it's true, that the 13 million dollars has not been fully appropriated, then that concern is mitigated to the extent that there hasn't been the full appropriation.

With regard to the Greenways, that money has, in fact, been appropriated, I'm fairly -- at least I think 10 million dollars worth of it has been, if I --

LEG. CARACCILO:

That's right, 10 million dollars.

MR. SABATINO:

Just from memory. And then Quarter Percent, the numbers, again, I know it's 7.35% for each year. I don't know if we've used any of the previous money, but it would seem to me that there would be -- the 7.35% of what's allocated would sound like a slightly larger pot of money than was mentioned. But, again, if that money has not been appropriated, then you're going to have to go out and appropriate that money.

LEG. CARACCILO:

Okay. And that's where I want to begin now, in summary, an effort to clarify the issue for Legislators who are thoroughly confused, because I know there are people sitting around the horseshoe who are thinking, "Gee, if I don't vote for this, we're going to miss out on an opportunity to preserve farmland." That's false. The County has at least three, four programs where we can appropriate funds for farmland acquisitions.

Mr. Isles, what are the fund balances under Greenways, farmland component? Twenty million dollars was authorized. What is the current fund balance?

DIRECTOR ISLES:

Okay. What I see in a report, dated August 31st of this year, so it's about two weeks ago, is that the Greenways Farmland fund balance is, \$8,954,888.

LEG. CARACCILO:

So approximately 8.9 million dollars.

MR. ISLES.

8.9 million.

LEG. CARACCILO:

Okay. The --

DIRECTOR ISLES:

In terms of what's in negotiation or with accepted offers -- pardon me. Projected future expenditures, based on accepted offers.

LEG. CARACCIOLO:

So we have an 8.9 million dollar fund balance in Greenways.

DIRECTOR ISLES:

Right, minus 3.1 million in contract or the accepted offers, so we have a net of 5.8.

LEG. CARACCIOLO:

Okay, 5.8 million dollars.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

The extension of the sales -- quarter percent sales tax in the Year 2000 dedicated as a result of a number of people who are still around the horseshoe, an environmental component that, as Counsel pointed out, 7.35% % is earmarked specifically for farmland acquisitions.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

How much is available in that funding category?

DIRECTOR ISLES:

The fund balance as of August 31st was 7.1 million on the records that we have in our accounting office. We have about 5 million in negotiation right now, with a net of 2.1 million available for future negotiations.

LEG. CARACCIOLO:

Okay. So that would bring us up to approximately a 7.9 million dollar fund balance.

DIRECTOR ISLES:

Right.

LEG. CARACCILO:

What other programs do we specifically have for farmland preservation.

DIRECTOR ISLES:

The other program is the old capital program known as Farmland Preservation, which was previously approved and was subsequently taken over by multifaceted. As of August 31st, we had an account balance of slightly under 4 million dollars. We have. 9.6 million dollars in negotiation, accepted offers, or contracts, so that one's oversubscribed by about 5.6 million. Here again, not every parcel that's in negotiation is going to be purchased.

LEG. CARACCILO:

Okay. Earlier today, before your an arrival, I mentioned that the County, as you've represented both in private conversations and before the committee, you believe that the County could purchase open space and farmlands this year that would exceed 30 million dollars.

DIRECTOR ISLES:

Right.

LEG. CARACCILO:

Has anything changed in your projection?

DIRECTOR ISLES:

Generally not. We have had -- we had one contract canceled recently, so that was a \$900,000 acquisition that is not going forward. We have another one that's shaky at the moment, but all the rest seem to be intact at this point. So, for the second half of this year, we expect to be doing around 27 or 30 million dollars in acquisitions.

LEG. CARACCILO:

And are there fund balances available to consummate those --

DIRECTOR ISLES:

Yes.

LEG. CARACCIOLO:

-- those contracts?

DIRECTOR ISLES:

Yes.

LEG. CARACCIOLO:

Okay. So, I guess one of the questions with regard to this resolution is do you need this money for Multifaceted, which is a capital program item that will expire, as BRO has indicated, 12/31/03? Do you need it? Because, if you need it, if you can demonstrate a need, then maybe I would be willing to reconsider my position on this.

You went through the numbers. It seems to me that what I thought were substantially higher fund balances in those other programs really are not there.

DIRECTOR ISLES:

No. And I will point out, as you've mentioned, that the Quarter Percent is replenished, as sales tax proceeds come in. So, as additional appropriations occur, that could increase, obviously. But, yes, we are asking for it, because we do think it's needed. And, historically, the County has funded farmland in a number of different ways, the Granddaddy being --

LEG. CARACCIOLO:

Okay.

DIRECTOR ISLES:

-- the Capital Program.

LEG. CARACCIOLO:

And I understand that. Philosophically, however --

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

Legislators who created through a budget amendment two years ago, which I opposed, for Multifaceted Program did so, because they wanted to be certain that there would be enough Environmental Preservation funds available in the County budget somewhere, and, in this case, it would be in the Capital Program and Budget, to help and assist them and their constituents in preserving open space land for water quality protection and so forth. So this would be deviating from the Legislature's own initiative of two years ago by now earmarking for the first time and dedicating Multifaceted funds for farmland preservation. I think that's at their center of Legislator Bishop's objections to this initiative.

And I have to tell you, even though I disagreed with the implementation of Multifaceted, I think something has to be said for a commitment that's been made to establish a stand-alone program for the five West End Towns, because 13 million dollars isn't a lot of money for the five West End Towns. And that's why I'm really conflicted here, because, as much as these funds would benefit acquisitions on the East End, I think, from a policy perspective, we have to be fair about this, because the bulk of the money that is spent and continues to be spent is spent in the five East End Towns. So it's really a policy decision now for the Legislature to make.

D.P.O. CARACAPPA:

Thank you. Legislator Fields.

LEG. FIELDS:

I just have a question, and I don't know if it reflects what we're trying to do here, but EFC money, what's the status on that, and can that be utilized for this kind of program?

DIRECTOR ISLES:

Yes, it can. The Legislature authorized the application to EFC that was approved. Actually, we're going to closing on September 18th, two days from now, for access to that. That will be 21 million dollars in farmland money coming out of the Quarter Percent Program and 41 million for Open Space under the same program.

I think we're the first municipality in the State of New York to use EFC financing for farmland acquisitions. That is certainly a very good source of funding. And, as we wrap up the Farmland Program with a reverse auction and so forth, we hope to eventually tap into that.

Our concern on that is, at the moment, the account balance is, here again, 2.1 million after you subtract negotiations. And we have a little bit of a concern, too, in terms of our practical it's going to be in terms of ready use of that 21 million dollars from EFC.

There will be agreements with the farmers on environmental and -- agricultural and environmental management, which we think is good, and so forth. What we're a little bit concerned about, until we get that actually up and running and farmers into the program and using it, I don't want to have to be relying solely on EFC for that, because, to me, it's untested. I think it's going to take a little time to work into it. Someone told me it would take about a year to get the paperwork and so forth for EFC to actually close on parcels. I'm not convinced that that's the case. But I'm a little bit concerned about what the paperwork will be to actually close a farm using that program. But it is there, and then, hopefully, once we do one or two, we'll have a better idea of how long it's going to take us to go through the State system.

LEG. FIELDS:

Thank you.

D.P.O. CARACAPPA:

Okay. Any other questions for Mr. Isles? Thank you, Tom.

DIRECTOR ISLES:

Thank you.

LEG. GULDI:

We have a motion and a second.

D.P.O. CARACAPPA:

Yeah. **1768** is now before. What is the motion, Mr. Clerk?

MR. BARTON:

We have a motion and a second to approve from earlier.

D.P.O. CARACAPPA:

Are there any other motions?

LEG. VILORIA-FISHER:

No, that's it.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. CRECCA:

Henry, I'm here.

D.P.O. CARACAPPA:

Call it.

LEG. BISHOP:

Well, we'll have one next year, if it continues this way, but since it's the end --

LEG. CRECCA:

It's approved.

D.P.O. CARACAPPA:

It's approved.

MR. BARTON:

15, 2 not present. (Not Present: P.O. Postal and Leg. Tonna)

D.P.O. CARACAPPA:

We're going to stay on Page 8 at this point. Actually, I'd ask, Todd, your turn. Good afternoon, Todd.

MR. JOHNSON:

Good afternoon. Is this -- okay.

D.P.O. CARACAPPA:

What do you have for us today that we haven't already done?

MR. JOHNSON:

Yeah, exactly, good point. I do have a few CN's.

LEG. GULDI:

Are they distributed?

D.P.O. CARACAPPA:

They're going to be distributed as you speak, so why don't you just inform us as to what they are as they're being handed out.

MR. JOHNSON:

Okay. A couple of them have to do with grants that departments would like to see approved and passed, so they can move forward with them. Some of them have November 1st start dates that they're supposed to begin with, because we're not having a meeting in October. Some of the departments have been caught short. I believe some of them -- one or two of them may have been filed already, possibly being laid on the table this cycle and do have numbers on them. I don't know if they're numbered for you yet, but Resolution 1808, I.R. 1808 is one of them that concerns beach monitoring equipment, and this is 100% Federal grant monies. We'd just like to get that approved and started. You'll find that being set before you right now.

Also, we have a resolution that was discussed in committee. It had to do with restoring some funds to the Mental Hygiene Consortium. And there was an issue where the resolution that we submitted ended up through a miscommunication restoring about 50% of the funds, and I believe the committee and the County Executive agreed that 100% of the funds should be restored, so we've made that change. There is a correction, and so we have it before you today is a CN.

We also have an acquisition under the Drinking Water Protection Program for 511 Equities/Hither Woods addition. Tom Isles is here, he can speak to that acquisition.

And we also have a CN for a real estate transaction. This is to authorize the sale to a prior owner. I believe, that the amount owed is about \$155. They're trying to move forward with a sale, which is supposed to take place in the month of October, for \$155. We decided we could accelerate that a little bit and move that forward. That's also before you. I believe that's all of the CN's that are before you.

D.P.O. CARACAPPA:

Okay. So why don't you just stay there and we'll start going through them right now. So we're going to go through the CN's right now.

1777 (Amending the Department of Health Services 2003 adopted budget to restore funds for contracted agencies in the Division of Mental Hygiene Services).

LEG. FOLEY:

Motion, Mr. Chairman.

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

There's a motion by Legislator Foley, second by Legislator Crecca. All in favor? Opposed?

LEG. CARACCIOLO:

Wait a minute.

D.P.O. CARACAPPA:

This is 1777, amending the Department of Health services 2003 adopted budget to restore funds for the contracted agencies in the Division of Mental Hygiene Services for -- it looks like the total amount of \$103,000. All in favor? Opposed? Abstentions?

MR. BARTON:

15, 2 not present. (Not Present: P.O. Postal and Leg. Tonna)

D.P.O. CARACAPPA:

It's approved.

LEG. FOLEY:

Mr. Chairman, I would just like to thank the County Executive's Office for working with the Quality Consortium, and also with the Health Committee to move forward with this resolution. Thank you very much.

D.P.O. CARACAPPA:

1808 is accepting (and appropriating) a 100% Federal grant funds from the New York State Department of Health to the Suffolk County Department of Health Services for a beach monitoring and notification grant.

LEG. CARPENTER:

Motion.

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, seconded by Legislator Fields. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

15, 2 not present. (Not Present: P.O. Postal and Leg. Tonna)

D.P.O. CARACAPPA:

1843. Introductory Resolution 1843 - Authorizing acquisition of land under the new Suffolk County Drinking Water Protection Program at Hither Woods (511 Equities/Hither Woods Addition - Town of East Hampton).

LEG. GULDI:

Motion, but I have questions.

LEG. FOLEY:

Second the motion.

D.P.O. CARACAPPA:

What is that? Motion to approve by Legislator Guldi, second by Legislator Foley.

LEG. GULDI:

On the motion.

D.P.O. CARACAPPA:

Legislator Guldi.

LEG. GULDI:

Yeah.

D.P.O. CARACAPPA:

And then Legislator Crecca.

LEG. GULDI:

Tom.

LEG. FOLEY:

Put me on there, too.

LEG. GULDI:

On 511 Equities, we've had this before us on and off for, well, at least all of this year. Why are we here by CN on this today? And what is being brought up by the CN that couldn't have been brought through the regular course?

DIRECTOR ISLES:

We appreciate your consideration of this. 511 Equities was authorized by resolution about a year ago by County Executive and Legislator Guldi. And the reason we've come to you today with the request for a CN is just a matter of timing.

In the package that I've provided to you, I've provided a summary of the facts of the acquisition, and on the last page is a copy of a letter from a representative of the Nature Conservancy. TNC is our representative.

LEG. GULDI:

That hasn't been distributed, Tom, so --

DIRECTOR ISLES:

It's on its way. Okay.

LEG. ALDEN:

It's on its way right now.

LEG. GULDI:

Oh, okay.

DIRECTOR ISLES:

Okay. I'm sorry. On the back of the package is a letter from the Nature Conservancy. They've been our agent on this acquisition. They've indicated to us that the owner has been very cooperative. However, they've indicated that for the deal to remain intact, they need to close by the end of the year. We were concerned that if we went to you on November 18th, the next meeting of the Legislature, that it would be difficult for us to fulfill that request and keep this transaction alive.

LEG. GULDI:

Well, what are we approving here that we haven't already approved, since this is a previously approved acquisition?

DIRECTOR ISLES:

Well, it was approved for planning steps, it wasn't approved for an authorization to acquire. We have one resolution at this time. We've completed appraisals, the appraisals have been reviewed, and so forth.

LEG. CARACCIOLO:

Question.

LEG. GULDI:

The 55 points we're familiar with from the acquisition. The appraisal information, what's the time adjustment factors that are put forth in your summary, Tom?

DIRECTOR ISLES:

Okay. The appraisals were done last, I think, November. They were received by the Real Estate Division in December. They were then reviewed at the beginning of this year, and then the Nature Conservancy started the negotiation process. What has happened, then, with the time adjustment is that the certified appraiser on our staff, the Real Estate staff, has done a time

adjustment from the date of the valuation, which here again is about 10 or 11 months ago, has time adjusted it in consultation with the appraisers. So those are the numbers that we have provided there to you.

LEG. GULDI:

I don't -- why is the percentage of adjustment between appraisal one and appraisal two so substantially different, given the time --

DIRECTOR ISLES:

Right.

LEG. GULDI:

-- appraisal -- given their approximate similar timing? Explain to me the difference in rate judgment between the two.

DIRECTOR ISLES:

I can't explain it compactly, except to say that the -- our general certified appraiser, licensed appraiser, reviews it, he then contacts the appraiser, finds out what the appraiser is willing to support in terms of any change in value, and that's the number that's ultimately put into the adjustment. So it could be that one appraiser thinks the market's gone up by one percentage amount, another appraiser thinks another percentage amount.

I'll point out, too, that both of these appraisals were ordered by the County. This is not a transaction involving the Town in this case, or any other party.

LEG. GULDI:

Okay. I'll yield to the list. There are other questions.

D.P.O. CARACAPPA:

Legislator Crecca. Legislator Crecca's here?

LEG. FOLEY:

No, he's not.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah, thanks. So this is to follow-up to the planning resolution. But I don't see -- there's no backup to the principals of 511 Equities. Are we supposed to have that as -- I mean, not even supposed to, I mean, I think it's something that we customarily do, correct, have backup to principals?

DIRECTOR ISLES:

I don't know. We're required, of course, prior to closing to have a disclosure. I'm not -- I know the County purchased one other property from 511 Equities --

LEG. FOLEY:

The name is familiar.

DIRECTOR ISLES:

-- before I got here.

LEG. FOLEY:

Yeah.

DIRECTOR ISLES:

They're a corporation out of New York City.

LEG. FOLEY:

Yeah.

DIRECTOR ISLES:

I, personally, don't know the -- any of the principals or the officers of the corporation. I can try to get that to you, if you would like.

LEG. FOLEY:

Well, that would be --

DIRECTOR ISLES:

Sure.

LEG. FOLEY:

-- usually, I think, either part of the backup, or certainly part of the file. I believe, and just to hear from Counsel on this, do we usually have as part of the backup to the resolution the principals involved, or is it simply on file at the Planning Department.

{ SUBSTITUTION OF STENOGRAPHER - DONNA CATALANO }

MR. SABATINO:

Well, under a law that goes back to either 1989 or 1990, you are entitled to the information. Generally, you are dealing with individuals or recognizable names. Legislators haven't raised a request, but in cases where you don't recognize the name of the joint venture or the partnership of the corporation, you're entitled to have the information before you vote. So if you don't -- I don't know what 511 equities is, so I can't comment in terms of the substance, but you are entitled to the information.

LEG. FOLEY:

Right. We had -- the record will reflect that we did approve the planning steps already for this particular acquisition, but it's still -- not to impede this, because it's an important acquisition, but if not at this moment, you know, soon hereafter if you can get us a copy of the principles.

LEG. GULDI:

Haven't we done other acquisitions for 511 equities in the past?

DIRECTOR ISLES:

Yeah. I'm told that this is our second acquisition of 511 equities. I don't know who they are but I can find out -- try to find out and send it to you.

LEG. FOLEY:

That would be fine.

D.P.O. CARACAPPA:

Mike.

LEG. CARACCIOLO:

Tom, are there any material differences -- or what are the material differences, I should say, between appraisal one and two, the value assigned to this property?

DIRECTOR ISLES:

I'm not aware, and I did contact Real Estate today on trying to get more information on the appraisal. I'm not aware of any specific differences other than what they found in their estimation of value. The range in value here is -- as you can see it's --

LEG. CARACCIOLO:

A big difference.

DIRECTOR ISLES:

Yeah. Probably about \$800,000. You know, these days I'm seeing big differences pretty often actually.

LEG. CARACCIOLO:

Who are the two appraisers?

DIRECTOR ISLES:

I believe one is given. I'm not sure who the second one is. If you want, I can get that for you. I understand that this is a CN, so --

LEG. CARACCIOLO:

This property is along Navy Road in East Hampton. There's actually a restaurant right there called The Navy Road.

DIRECTOR ISLES:

Okay.

LEG. CARACCIOLO:

I mean, it looks nice on the aerial, it looks nice because it says it's East Hampton, it's on Fort Pond Bay, but I have to tell you, this is not pristine land from my recollection. I was just there a couple of months ago.

LEG. GULDI:

Well, if the County won't buy it for 100,000 an acre, I will.

LEG. CARACCIOLO:

Okay. Go ahead, George. I just remind you that there is a different threshold in what the County does and how it does business than how you do it.

LEG. FOLEY:

Right. Thank God.

LEG. CARACCIOLO:

I'm not comfortable with this. I'd like to know who the principals are. I'd like to know and examine records to see if there were political contributions made to people in County Government. This -- this -- I won't say it doesn't pass the smell test, but I'm not comfortable with it.

DIRECTOR ISLES:

I'll just make one other point that the property to the left or to the west that you see on your map was purchased by the Town of East Hampton. So just that it completes the acquisition in that area. As far as the request for whether they've made campaign donations to someone, it's not something we normally get for you. If you want us to get that, you know, we're changing rules.

LEG. ALDEN:

Tom, on the map, it actually -- you've got it blocked in where this parcel goes all the way to the railroad tracks across the street, is that road a paper road at that point?

DIRECTOR ISLES:

Well, the aerial photograph would actually show the actual property lines. So the Hagstrom Map is just a sketch we put together to give you an overall picture of where the parcel was. The aerial photograph shows to a reasonable accuracy the property boundaries as we obtained from the real property tax service. So the property runs along the north side of Navy Road, which is an improved road adjacent to the parcel. The parcel is outlined in green.

LEG. ALDEN:

As far as the make up of this parcel, what's the zoning in there and what kind of yield could a developer actually get out of this parcel?

DIRECTOR ISLES:

That was part of what the appraisal process was. The appraiser's required to look at the zoning. I believe it's a two acre zoning, but I don't want to state that officially.

LEG. ALDEN:

There's got to be some setbacks off the bay too, right?

DIRECTOR ISLES:

There definitely is. The parcel would have to comply with local -- local zoning to be developed. No question about it.

LEG. ALDEN:

I don't have the appraisal in front of me, what does it say the yield would be out of this?

DIRECTOR ISLES:

I don't have that information. I don't know if they necessarily made a yield determination. An appraisal can be done either on a raw land saying this is a 19.8 acre parcel on a bluff overlooking Fort Pond Bay and estimate the value that way. On some occasions, appraisers will do a yield analysis, if they feel that there is a probability, the term that appraisers use, of a subdivision being approved at a certain number of units. If they don't feel it's probable in terms of a certain number of units, they usually just do a large lot raw land appraisal.

LEG. ALDEN:

And what would be the -- they would have to compare it to other sales then.

DIRECTOR ISLES:

Yes. They would compare to other large lot raw land sales.

LEG. ALDEN:

You don't have the appraisal in front of you, though, right?

DIRECTOR ISLES:

Pardon me?

LEG. ALDEN:

You don't have the appraisal in front of you.

DIRECTOR ISLES:

No, I don't.

LEG. ALDEN:

I just want to get a little bit of the process of where they arrived at a value of this. Because if 90% of this property can't be developed, and that's where we're buying, like, one building lot, for a couple of million bucks, that to me --

DIRECTOR ISLES:

The process we have is we have two appraisers, independent, hired by the County to look at that, then we also do an in-house appraisal review to check their assumptions, their methodology and so forth. I respect fully your points in terms of affirming that, but I just want you to know that that's typically what happens, they check the zoning, check the -- contact the town to find out what they'll allow or not allow. If your comfort level is that you feel you want this information before you make a decision, I'll respect that and we'll bring it back to you.

LEG. ALDEN:

How far away is this from Shadmoor is this? Because that's really what the -- actually it boils down to one of my primary concerns, that if this property would have only been zoned for one or two houses and there would have been a requirement to leave the rest of it, 90% of the property, in its pristine condition, there's no sense in us buying it, because it's going to be preserved anyway. And Shadmoor, that's why I disagreed with that purchase, because of those very reasons. So I would actually like to have that information before I voted on this.

D.P.O. CARACAPPA:

Mike.

LEG. CARACCILO:

Legislative Counsel. Paul, is there anything in your opinion that would impede this purchase if it

were tabled and considered at our next meeting in November since the correspondence from the Nature Conservancy spells out that it could be in jeopardy? However, if it closes before year end as Mr. Isles has represented, I don't see a problem with providing a number of Legislators who have raised some, I think, very valid issues with the information and may be give them a safe and comfortable zone to, you know, go along with this.

MR. SABATINO:

Well, I would -- I would suggest as a possible alternative if Legislators don't feel the questions have been satisfactorily answered to put it on the Special Meeting Notice that will taking place for the Operating Budget. Historically every year we've always had 12 or 15 stand-alone bills that are somewhat time sensitive. So that would save you approximately three weeks, if you are not satisfied with the information tonight.

LEG. CARACCILO:

Okay.

LEG. GULDI:

Can I change my motion to a motion to table with that meeting notice?

D.P.O. CARACAPPA:

You sure can.

LEG. GULDI:

Let me change the motion to approve to a motion to table this until the Special Meeting to be noticed for the budget.

MR. SABATINO:

Special Meeting notice for the Operating Budget, which will take place at end of October, beginning of November.

LEG. CARACCILO:

Second.

D.P.O. CARACAPPA:

There's a second by Legislator Caracciolo. All in favor? Opposed? Abstentions? It's tabled until

the special meeting. Moving on, **1844,**
(transferring 100% federal pass-thru grant funds from the Department of Probation to the Department of Health Hygiene Services, to implement the functional family therapy treatment model for PINS youth and their families and authorizing the County Executive to execute grant related agreements) another 100% federal pass-through grant.

LEG. FOLEY:

Motion.

MR. BARTON:

16. (IR 1843.)

LEG. GULDI:

Motion to approve.

D.P.O. CARACAPPA:

Motion by approve by Legislator Guldi, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

1845, authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Dennis Poulos and Susan Poulos.

Motion by myself, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

It's approved. Going back to the agenda. We're going to be jumping around.

LEG. CRECCA:

Give us the page, Mr. Chairman.

MR. JOHNSON:

Excuse me. I'm sorry. I wasn't finished with my report.

D.P.O. CARACAPPA:

Go right ahead.

MR. JOHNSON:

Thank you for the approval of the CNs. I guess we'll wait and discuss 511 at the Special Meeting on November 6th. I did want to mention that you asked me what do we have to discuss that you hadn't already considered, well, there are a few items, but there's also a few items which I'd like to know which you already have considered, which I think should be -- maybe discussed. Resolution 719 concerns litigation for underwater land. And that's a resolution that we had submitted and asked to be held and tabled because there is some litigation concerning that right now. We think it would be imprudent for us to move forward with that considering that litigation is outstanding. We had asked that it be tabled.

D.P.O. CARACAPPA:

Go on.

MR. JOHNSON:

Also, there are also a couple of resolutions that -- that are -- still lie before you that I just wanted make some reference to. Resolution 1361, the downtown office space policy has come forward and --

D.P.O. CARACAPPA:

It's been tabled by the sponsor's request.

MR. JOHNSON:

Okay. Very good. And -- okay. The other items have been considered and tabled also, so I'm going to hold off on any further discussion. Thank you.

D.P.O. CARACAPPA:

Thank you, Mr. Johnson, we appreciate it. Going back to page six. **1424, { Adopting Local**

Law No. -2003, A Local Law to streamline County government by repealing costly laws, archaic statutes, superfluous boards, and duplicative commissions} , which is doing away with the extra boards. Presiding Officer Postal did leave the building, she won't be back, she has asked for an approval of 1424.

LEG. CARACCILO:

Motion.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

There is a corrected copy. Motion by Legislator Guldi, seconded by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

Moving on to page eight, 1568. Legislator Binder, go right ahead.

LEG. BINDER:

Before you do, maybe we should entertain a motion to reconsider 1719. The County Executive asked to -- asked that we table it. It's been -- it was approved, is my understanding, underwater lands.

D.P.O. CARACAPPA:

Right. That was --

LEG. BINDER:

Page seven. I'll make a motion to reconsider. So if they're concerned with pending litigation, they are the ones in the middle of it now, I would think it would be a good idea for us to follow that lead.

LEG. GULDI:

I respectfully disagree, that's why I moved it.

D.P.O. CARACAPPA:

Okay. There's motion to reconsider 1719. Is there a second?

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Seconded by Legislator Alden. All in favor? Opposed?

LEG. GULDI:

Opposed.

LEG. FOLEY:

Opposed.

D.P.O. CARACAPPA:

Legislator Guldi is opposed. Legislator Foley is opposed. Legislator Lindsay is opposed.
Legislator Fields is opposed.

MR. BARTON:

12.

D.P.O. CARACAPPA:

It is before us.

LEG. BINDER:

Motion to table.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Binder, seconded by Legislator Alden. All in favor?
Opposed?

LEG. LINDSAY:

Opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Guldi, Legislator Foley, Legislator Lindsay, Legislator Caracciolo, Legislator Fields.

MR. BARTON:

11.

D.P.O. CARACAPPA:

It's tabled. Okay. Moving onto **1568**, which is on page eight. Ways and Means. This is **authorizing the sale of surplus cars to Long Island Gay and Lesbian Youth**. It was approved out of committee 4-3.

LEG. TONNA:

Table it with the rest the them.

D.P.O. CARACAPPA:

Is there -- is this a \$200 amount on this, Paul?

MR. SABATINO:

These are \$200 for the vehicle.

LEG. BINDER:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Binder, seconded by Legislator Nowick. All in favor? Opposed?

LEG. VILORIA-FISHER:

Opposed.

D.P.O. CARACAPPA:

Note the opposition.

MR. BARTON:

15.

D.P.O. CARACAPPA:

It's tabled. **1569, { authorizing the sale of surplus County cars to Wyandanch School District)**, same motion, same second, same vote.

MR. BARTON:

15.

D.P.O. CARACAPPA:

Now we are going back -- we are going back to Public Works, page ten.

LEG. GULDI:

What about page nine?

D.P.O. CARACAPPA:

What did we leave out on page -- **1755.**

LEG. FOLEY:

Motion to approve.

D.P.O. CARACAPPA:

Amending the 2003 Capital Budget and Program appropriating funds for the Woodside Avenue Corridor Study, County Road 99. Motion by Legislator Foley, second by Legislator O'Leary. Is this a straight up 12 voter?

MR. SABATINO:

That's a straight 12 votes, Capital Budget.

D.P.O. CARACAPPA:

Roll call.

(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1757 { appointing members to the Suffolk County Transportation Advisory Board.} Motion by Legislator Foley, seconded by myself. All in favor? Opposed? Abstentions?**

MR. BARTON:

16.

D.P.O. CARACAPPA:

1757 is approved. 1770 { **Implementing provisions of Chapter 910 of the Laws of 1982 in connection with the lease of the facilities to the Southwest Sewer District to the Suffolk County Industrial Development Agency, authorizing the County Executive of said County to execute amendments to a lease, a service agreement, an operation and maintenance agreement and other agreements and documents in connection therewith and providing for other matters in relation thereto**}. I'm not going to read the whole thing. It was approved 6-0. I'll make a motion, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

LEG. CARACCILO:

Abstain.

D.P.O. CARACAPPA:

There's one abstention by Legislator Caracciolo.

MR. BARTON:

15.

D.P.O. CARACAPPA:

It's approved. **1772, Authorizing public hearing for authorization of approval of lateral license for South Ferry.**

LEG. CARACCILO:

Motion.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Motion to approve by Legislator Caracciolo, seconded by Legislator Guldi. All in favor?
Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

1772 is approved. **1778, amending the 2003 Capital budget and Program and appropriating funds in connection with the County share for participation in the West of Shinnecock Inlet Interim Storm Damage Protection Project.**

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Guldi.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Seconded by Legislator Foley. Is this a two-thirds vote, Paul?

MR. SABATINO:

Yes.

D.P.O. CARACAPPA:

Roll call. On the motion, how much is the amount of the County share?

MR. SABATINO:

The County share is -- let's see. The County share is \$9900.

(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. GULDI:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

(Not present.)

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not present.)

LEG. BINDER:

Yes.

LEG. TONNA:

Yes

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CRECCA:

(Not present.)

LEG. BISHOP:

Yes.

MR. BARTON:

15 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. Human Services, **1780, authorizing the transfer of funds in the Department of Social Services to fund the "Employment Readiness Program" for the homeless and authorizing the Commissioner of social Services to execute a contract.**

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

1780 is approved. 1361, (**to establish County office space policy for downtown revitalization.**) Motion to table by myself, seconded by Legislator Lindsay. All in favor? Opposed? At the request of the sponsor. 1361 is tabled.

MR. BARTON:

16.

D.P.O. CARACAPPA:

Moving on to Health, Education and Youth, 1753 --

LEG. FOLEY:

Put me down to oppose the table of 1361, please.

MR. BARTON:

15.

D.P.O. CARACAPPA:

1753, amending the Department of Health Services 2003 adopted budget to reallocate funds within the Division of Patient Care Services for physician services for the Riverhead Jail Medical Unit and the Riverhead Health Center to be provided by Central Suffolk Hospital. Approved 4-0.

LEG. BINDER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Binder, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

1753 is approved. **1777, amending the Department of Health Services 2003 adopted budget to restore funds for contracted agencies in the Division of Mental Hygiene Services.**

MR. SABATINO:

We did that with a CN, Mr. Chairman.

D.P.O. CARACAPPA:

A CN, that was approved. Consumer protection and Government Operations. We're going to do a lot of same motion, same second, same vote, so just stay alert here. **1615, adopting Local Law -2003, a Local Law to amend Process Servers Licensing Law in Suffolk County.** There's a motion to approve by Legislator Nowick, seconded by Legislator Lindsay.

LEG. GULDI:

Explanation.

D.P.O. CARACAPPA:

Explanation.

MR. SABATINO:

This is fundamentally a fine tuning of the original licensing law for process servers. The most critical changes are that instead of licensing each and every individual process server, the entities or organizations for whom they work will be licensed. The requirement that zip codes and reports of contested service be made part of the documentation has been eliminated, the ban on insignias has been eliminated, errors and omission insurance requirement has been converted into a general liability insurance policy requirement, and it's been increased from a quarter of million to a half million dollars. The licensing board itself, the powers have been scaled back considerably and instead of paying the members of the board out of pocket expenses, they'll get \$100 per meeting instead. That's -- and all the other changes are just basically to accommodate the renumbering and relettering of sections to reach all of those goals.

LEG. GULDI:

Counsel, an individual who has their own business who hires no other employees is still required to post a half million dollar insurance policy just as a mill with hundreds of employees is?

MR. SABATINO:

Correct. Now it's a half of million instead of a quarter of a million.

D.P.O. CARACAPPA:

There's motion and a second. All in favor? Opposed? Abstentions?

LEG. CARACCILO:

Abstain.

LEG. GULDI:

Abstain.

D.P.O. CARACAPPA:

Two abstentions.

MR. BARTON:

14.

D.P.O. CARACAPPA:

It's approved. 1670, approving the reappointment of William Garthe as a member of the Suffolk County Home Improvement Licensing Board.

Paul, how long are -- just go through each one, home improvement, home appliance repair and electric, how long are these terms?

MR. SABATINO:

1670 had a defect. It had to be -- the term had to be changed, because the last term expired 12/31 of 2000, so it should -- the new appointment should have been through 12/31 of 2006. The proposal is 12/31 of 2005. So on that one, I would say table it for a correction. We'll go to the others as we get to them.

D.P.O. CARACAPPA:

I'm going to take a motion to table pending a corrected copy on 1670, seconded by Legislator Alden. On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. It's regarding this resolution and all the future -- the other resolutions that will be following. These are all hold-over appointments, the reappointments, the new appointments -- well, the reappointments are holdovers, correct?

MR. SABATINO:

Anybody who's a reappointment would be characterized as a hold-over for the current time.

LEG. FOLEY:

All right. Here's my concern, and I'll put it out there on the table. You know, whoever the next County Executive is, whoever it may be, from, you know, who's running this season so to speak, I think it should be up to the in -- with all due respect to the current County Executive, it should

be up to the -- who the people of the county decide to -- the next County Executive should be submitting either these names or different names come January. Every one of these fine folks who are currently on the board will stay on the board, they're not going to be taken -- they're not going to be summarily dismissed. And I think just to give respect and honor to the process, it should be the incoming County Executive to submit their names for appointment and/or for reappointment.

LEG. FIELDS:

Motion to table.

LEG. LINDSAY:

Can I comment?

D.P.O. CARACAPPA:

I'll put you on the list, Bill. Legislator Crecca then Alden and Lindsay.

LEG. CRECCA:

With all due respect to my colleague, Mr. Foley, I disagree. You talk about respect and you talk about, you know, government. We have a County Executive right now, and I believe that it's disingenuous to put off letting government move forward with -- by saying, well, we could have a different County Executive. We will have a different County Executive.

LEG. FOLEY:

I said we would, of course.

LEG. CRECCA:

And the reality is, is that we should allow these appointments to go forward. It's part of the process. You know, we've never done our business by delaying to wait for the politics that takes on outside.

LEG. FOLEY:

It's not politics. It's not politics, it's whoever --

LEG. CRECCA:

Brian, just, please, let me speak. You know, I don't intend to be lengthy. But my point is, is

that, you know, this is a power of the County Executive. You can either approve the appointments or not approve, that is where our power lies. And I just don't think that we should be tabling or -- you know, we should treat these on the merits. That's what I would expect if I was one of people on the board or not, and that's all I'm asking is that we go ahead and do our job and either approve or disapprove.

D.P.O. CARACAPPA:

Bill.

LEG. LINDSAY:

I too would support the reappointment of these people. Some of these holdovers, you know, their terms expired last year or the year before. They've been hanging around for a while. And I mean, some of the -- the second page particularly, I know almost every one of these people. I mean, are we going to classify a guy like Tony Warrenski who used to be the business manager of the Plumber's Union who wrote the original licensing requirement. He's been there for 30 years. And you know, what are we doing? The other thing is this is selective. We just appointed a Transportation Committee, right? Why didn't we do the same thing with that?

LEG. FOLEY:

That was our appointment, not the County Executive's appointment.

LEG. LINDSAY:

Yeah, I know. But these people have been serving the County through Democrat as well as Republican administrations, some of them. What are you going to tell them? What's the message we're going to send to them now, that we don't want them anymore?

D.P.O. CARACAPPA:

Legislator Fields.

LEG. FIELDS:

I don't think it's that we don't want them anymore. My reason for wanting to table this is that they still serve as holdovers. It's not as though they have a job and we're firing them. And if you want to talk about doing your job, then if there's an expiration of a term and it expired in 2000, why are we now just seeing a reappointment? It should have been reappointed in November of 2000 and come before us then. Now all of a sudden we have a couple of months left in this term

and every single person is just going to be, you know, rubber-stamped and reappointed when if they are good people, then they should be reappointed on the merits and stay as holdovers until January. No one is firing them. And I think that's respectful for them too, so that they have a term that's not just going to be a hold-over and they're being done officially. And they should have been done, I would -- I would argue probably all of these are well, well over the time they expired.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

No. I think my colleagues have said what I needed to say.

D.P.O. CARACAPPA:

Perfect.

LEG. LINDSAY:

Can I point out something, Mr Chair?

D.P.O. CARACAPPA:

Sure Bill.

LEG. LINDSAY:

Is that I know on the electrical Board there's three people, there's seven all together. This is not the entire 14 men appointed. It's half or less than half the board.

D.P.O. CARACAPPA:

Okay. Task at hand is 1670, there is defect in the resolution. So there is a motion to table and a second. All in favor? Opposed? Abstentions? 1670 is tabled.

MR. BARTON:

16.

D.P.O. CARACAPPA:

Now, **1671, approving the reappointment of Linda Perlow as a member of the Suffolk**

County Home Improvement Licensing Board.

LEG. FIELDS:

Motion to table.

D.P.O. CARACAPPA:

There's a motion to table, seconded by Legislator Foley. Roll call.

(ROLL CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. O'LEARY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

(Not present.)

LEG. BINDER:

No.

LEG. TONNA:

(Not present.)

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

No.

LEG. CARACCIOLO:

Motion to approve.

LEG. BISHOP:

(Not present.)

LEG. TONNA:

(Not present.)

MR. BARTON:

Five.

D.P.O. CARACAPPA:

Okay. Tabling fails. I would assume that those who want to table each and every one of them, you would have to assume the same vote is going to be for each and every one. So there's a motion to approve 1671 by Legislator Caracciolo, seconded by Legislator Crecca. All in favor? Opposed? Abstentions? Opposed, Legislator Guldi, Vilorio-Fisher, Foley, Fields.

LEG. COOPER:

Abstain.

D.P.O. CARACAPPA:

And one abstention, Legislator Cooper.

MR. BARTON:

11.

D.P.O. CARACAPPA:

You voted on that, right, Paul?

LEG. TONNA:

I voted yes.

D.P.O. CARACAPPA:

Here we go. Ready? So we are on **1672, (approving the reappointment of Gary Lobato as a member of the Suffolk County Home Improvement Licensing Board)** Same motion, same second, same vote.

1673, (approving the reappointment of Angeline M. Marketta as a member of the Suffolk County Home Improvement Licensing Board.) Same motion, same second, same vote.

1674, (approving the reappointment of Warren Stuart as a member of the Suffolk County Home Appliance Repair Licensing Board.) Same motion, same second, same vote.

1675, (approving the reappointment of Edward Neilsen III as a member of the Suffolk County Home Appliance Repair Licensing Board.) Same motion, same second, same vote.

1676, (approving the reappointment of Vito Ferlitto as a member of the Suffolk County Home Appliance Repair Licensing Board.) Same motion, same second, same vote.

1677, (approving the reappointment of Douglas Callahan as a member of the Suffolk County Home Appliance Repair Licensing Board.) Same motion, same second, same vote.

1678, (approving the reappointment of Leonard Borger as a member of the Suffolk County Home Appliance Repair Licensing Board.) Same motion, same second, same vote.

1679, (approving the reappointment of Frank DiFazio as a member of the Suffolk County Electrical Licensing Board.) Same motion, same second, same vote.

1680, (approving the reappointment of Lynn Blasso as a member of the Suffolk County Electrical Licensing Board.) Same motion, same second, same vote.

1681, (approving the reappointment of Michael S. Towers as a member of the Suffolk County Electrical Licensing Board.) Same motion, same second, same vote.

1682, (approving the reappointment of Robert Ruggiero as a member of the Suffolk County Plumbing Licensing Board.) Same motion, same second, same vote.

1683, (approving the reappointment of Anthony T. Warrenski as a member of the Suffolk County Plumbing Licensing Board.) Same motion, same second, same vote.

1684, (approving the reappointment of Donald W. Scott as a member of the Suffolk County Plumbing Licensing Board.) Same motion, same second, same vote.

1685, (approving the reappointment of Daniel J. Meehan as a member of the Suffolk County Plumbing Licensing Board.) Same motion, same second, same vote.

1686, (approving the reappointment of Christian B. Lister as a member of the Suffolk County Plumbing Licensing Board.) Same motion, same second, same vote.

1687, (approving the reappointment of Salvatore Escaldi as a member of the Suffolk

County Plumbing Licensing Board.) Same motion, same second, same vote.

1688, (approving the reappointment of Richard M. Leo as a member of the Suffolk County Plumbing Licensing Board.) Same motion, same second, same vote.

1689, (approving the reappointment of Joseph H. Baier as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment Bacteria Additives and Maintenance Board.)

Same motion, same second, same vote.

1690, (approving the reappointment of Edward Andriola as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment Bacteria Additives and Maintenance Board.)

Same motion, same second, same vote.

LEG. CRECCA:

Just, Henry, those were all 11?

MR. BARTON:

Four nos, two abstentions, one not present.

LEG. GULDI:

Change my vote to abstention on all of them, Henry. I didn't vote no.

MR. BARTON:

It's a good thing I don't write down what you say, George.

D.P.O. CARACAPPA:

Procedural Motion Number 7, (expanding pharmaceutical cost recovery litigation),
which we discussed in --

LEG. GULDI:

Motion.

LEG. CARACCIOLO:

Second.

D.P.O. CARACAPPA:

There's a motion.

LEG. CRECCA:

Is it on the agenda, or that's the one we discussed --

D.P.O. CARACAPPA:

Executive Session.

LEG. CARACCIOLO:

That was handed out.

D.P.O. CARACAPPA:

Keep in mind that the addition has been added to the procedural Motion, adding our EMHP claims as well. There's a motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? Abstentions? It's approved

MR. BARTON:

16.

D.P.O. CARACAPPA:

There is -- go ahead, Legislator Caracciolo.

LEG. CARACCIOLO:

Sense 27, that should have been withdrawn.

D.P.O. CARACAPPA:

Whoever wants to cosponsor the Procedural Motion --

LEG. ALDEN:

Henry.

LEG. FOLEY:

Henry, cosponsor, please.

D.P.O. CARACAPPA:

Just do everyone. Let's just finish the senses before we go on to the last CN and late starters.

Sense 57, memorializing resolution requesting State of New York to enact Long Island Workforce Housing Incentive Program.

LEG. CARACCIOLO:

Explanation.

D.P.O. CARACAPPA:

Approved 5-0-2.

LEG. CARACCIOLO:

Explanation.

LEG. CRECCA:

Which one?

LEG. ALDEN:

Sense 57.

MR. SABATINO:

Just one second while I get the right one. This is a memorializing resolution requesting that the State Legislation, which is currently pending in Albany filed by DiNapoli and Marcellino regarding set asides for affordable housing by municipalities be approved.

LEG. FIELDS:

Motion.

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Fields, seconded by Legislator Lindsay. On the motion, Legislator Alden.

LEG. ALDEN:

It would require municipalities to set aside, not New York State money?

MR. SABATINO:

It's not the money. What it requires is it would -- municipalities to require developers who are proposing construction to set aside a certain minimum percentage as a condition to getting their approval for -- well, in this case, is called work -- the state's calling it work house -- I'm sorry, workforce housing incentive. Locally at this level it's referred to as affordable housing.

LEG. BINDER:

Can we call it at this level, Counsel, a taking?

D.P.O. CARACAPPA:

All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. NOWICK:

Abstention.

LEG. CRECCA:

Abstain.

D.P.O. CARACAPPA:

There's an abstention -- opposed by Legislator Binder. Abstention by Legislator Nowick, Crecca, Carpenter, Alden, O'Leary, Caracciolo and myself and Tonna.

LEG. CARACCILOLO:

But, Allan, it would be legal.

LEG. BINDER:

A legal taking, right.

MR. BARTON:

Eight.

D.P.O. CARACAPPA:

Eight. It fails. Sense 59, a Sense Resolution designating September 2004 "American-Jewish History Month" in Suffolk County.

LEG. BINDER:

I guess I should make a motion.

D.P.O. CARACAPPA:

Why would you? Motion by Legislator Binder, seconded by Legislator Foley.

LEG. TONNA:

This is Legislator Postal's resolution, right?

D.P.O. CARACAPPA:

Right.

LEG. TONNA:

Somebody votes for the budgets and to fund government, okay, I'll vote for that then.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

It's approved. **Sense 60, memorializing resolution by the Suffolk County Legislature calling for a Congressional Investigation into the White House's role in the EPA's downplaying of air quality concerns following the 9/11 attacks on the World Trade Center.** Approved 7-0.

Motion by Legislator Lindsay, seconded by Legislator Foley. On the motion, Legislator Binder.

LEG. BINDER:

How are there seven people on the committee? Are there seven people on Health? And I know that I voted against it, so I don't know how it was 7-0 reported on it.

LEG. FOLEY:

We reconstituted the committee just yesterday.

LEG. BINDER:

Did you? So you reconstituted the committee and it wiped out my vote, my no vote. My concern --

D.P.O. CARACAPPA:

Okay. It 6-1.

LEG. BINDER:

My concern on here is that -- I don't think there were six people. There weren't seven people there. I don't know what this vote is.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

LEG. FOLEY:

It's the wrong --

D.P.O. CARACAPPA:

It's the wrong reporting.

LEG. FOLEY:

It's 4-1.

D.P.O. CARACAPPA:

Just disregard it.

LEG. FOLEY:

It's 4-1.

LEG. BINDER:

Right, so it's probably 4-1. So my concern is that this takes the position in the title that there was a downplaying of air quality concerns, rather than investigating whether there was a downplaying of air quality concerns. So I don't think we should ask for an investigation of something we've already concluded in the title. That's ridiculous. If it was calling for an investigation as to what happened and whether this happened, then I'd understand, but this seems patently political as an accusation, so I would vote no.

D.P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. ALDEN:

Opposed.

D.P.O. CARACAPPA:

Opposition, Legislator Binder, Legislator Alden.

MR. BARTON:

14.

D.P.O. CARACAPPA:

It's approved. **CN 1532 (Amending the 2003 Capital Program and Budget and appropriating planning funds for Jail Utilization Study/New Replacement Facility at Yaphank (CP 3008.111)).**

LEG. CARACCILO:

Motion.

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

Motion --

LEG. FOLEY:

Mr. Chairman, could we have a ten-minute recess?

D.P.O. CARACAPPA:

No.

LEG. NOWICK:

No, no, no.

LEG. FOLEY:

Ten-minute recess.

D.P.O. CARACAPPA:

I'm not going to do it unilaterally.

MR. BARTON:

Could you recognize the motion and the second again, please? I didn't get it.

D.P.O. CARACAPPA:

I didn't do a motion and a second yet.

MR. BARTON:

Okay.

D.P.O. CARACAPPA:

There's a motion by Legislator Caracciolo, second by Legislator Crecca.

LEG. FOLEY:

I'll make a motion to recess for ten minutes, Mr. Chairman.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARACAPPA:

There's a motion to recess. Is there a second?

LEG. VILORIA-FISHER:

I'll second.

D.P.O. CARACAPPA:

There's a second by Legislator Viloría-Fisher. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Pass.

LEG. O'LEARY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

No.

LEG. GULDI:

Yeah.

MR. BARTON:

Eight. (Not Present: P.O. Postal)

LEG. CARACCILO:

Motion to approve, Mr. Chairman.

LEG. BISHOP:

Mr. Chairman.

LEG. CRECCA:

Roll call on the motion, Mr. Chairman.

LEG. FOLEY:

On the motion, Mr. Chairman.

D.P.O. CARACAPPA:

Hold on. Hold on. There's a motion and a second. Do you have that, Mr. Clerk?

MR. BARTON:

Yes.

D.P.O. CARACAPPA:

On the motion, Legislator Bishop, then Legislator Foley, Legislator Crecca.

LEG. CARPENTER:

Carpenter.

LEG. BISHOP:

This is the bill that was tabled at the last General Meeting until November, it's the same exact piece of legislation; is that correct?

LEG. CARPENTER:

Correct.

LEG. BISHOP:

My question, my first question is of Counsel. Is that -- is that a legal parliamentary maneuver to bring it over, the same -- the very same document as a CN?

LEG. FOLEY:

Can you bring a CN when something's been tabled?

MR. SABATINO:

There's no need for a Certificate of Necessity. If the bill hasn't been changed today, the way to

get it before the Legislature is to make a motion to reconsider the last vote that was taken, which was a vote to table. If the tabling motion is successfully reconsidered, then it's before you on the merits. Then on the merits of the legislation, you can either vote to approve it or to table it to another meeting, or to table it subject to call.

LEG. CARACCILO:

Mr. Chairman, point of the parliamentary inquiry.

D.P.O. CARACAPPA:

Go ahead, Mike.

LEG. BISHOP:

That's what I was doing.

LEG. CARACCILO:

Counsel, there is nothing that precludes the Executive from issuing a CN, so as to bring this matter before the Legislature today, is there?

MR. SABATINO:

Well, no. If the County Exec -- the problem is that this bill is -- this is a Postal/Caracappa/Lindsay/Carpenter/Fields/Nowick bill. So, if the County Executive wants to get the identical bill in front of the Legislature, but in a different form, you have to issue a Certificate of Necessity for his own bill. So issuing the Certificate of Necessity for this bill is a meaningless act, because the bill -- the bill is potentially eligible for a vote by simply making a motion to reconsider the previous bill.

LEG. CARACCILO:

I understand that, but my question was, there is nothing to preclude the bill's sponsors requesting a CN, which is why I assume it's before us, for consideration today by the Legislature.

MR. SABATINO:

If the sponsors requested the Certificate of Necessity, I thought it was a unilateral act.

LEG. CARPENTER:

No, it was --

MR. SABATINO:

I mean, did the sponsors request a Certificate of Necessity?

LEG. CARPENTER:

Yes.

MR. SABATINO:

Oh, okay. Well, I've got to have all the facts. I wasn't privy to the all the facts.

LEG. BISHOP:

Well, who's the first sponsor on it, Legislator Postal? She requested it? I don't believe that to be true. But, in any case, I'm glad that there is a CN on it, because the CN provides flexibility.

And I'm going to repeat publicly an offer that I made privately, as one who has led opposition to the County at this point committing itself to 150 million dollar facility, maximum security, without a Needs Assessment Study being complete, and the offer that I made was that, since it's imperative in some people's -- some people believe that it is imperative that there be a vote to demonstrate the County Legislature's willingness to construct a jail, if not necessarily the jail as envisioned as a maximum security 150 million dollars, then I would support, and I know a number of my colleagues who are opposed to this at this time would support, appropriating the money, the planning money, but as long as there is a provision in there that says that the actual money cannot be released administratively until the Needs Assessment is complete and there's been a review of the Legislature.

The point of that would be that, let's take, for example, if you wanted in your final jail to have a courtroom, so that you could cut down on a lot of the operating expenses of shuttling prisoners back and forth, then you would have that opportunity after the Needs Assessment to put that in. But if you vote now without the Needs Assessment and without the Legislative review, you are committing now to the complete.

150 million dollar maximum security County jail, and you're doing so without a Needs Assessment Study.

And, normally, I'd launch into my whole argument on the merits, but I'll just leave it there,

because I think that's the most cogent point and one that I have, I know a number of other Legislators would agree on.

So, I would ask the movants of this to reconsider and to add that clause, and you could probably get a unanimous vote to go up to Albany with and to demonstrate, hey, the County is not unalterably opposed to modifications, renovations, even construction of a new jail, it's just there is an absolute consensus not to put the cart before the horse.

D.P.O. CARACAPPA:

Brian.

LEG. FOLEY:

Thank you, Mr. Chairman. One of the major remarks made by the President of the Correction Officers Union is the fact that the State is looking for us to pass a resolution, so that the State would not eliminate all -- pull all the variances, because the major concern there is that if the variances are pulled, then the cream of the crop, so to speak, words that were explained to us, would then be transported out of the jail, and the worst of the inmates would then -- would be in the jail and would -- could bring the correction officers into harms way.

I think with the change that's being proposed, the amendment being proposed by Legislator Bishop, and something that I also agree with, that we can pass a resolution today stating that we are appropriating monies in order to move forward with a jail program, however, however, the actual expenditure of those dollars will not take place until the Jail Utilization Study is completed. I think that's a rational approach, that's the right way for the process to go, and it also sends the message to the State that we are serious about moving forward. I don't see how anyone could be objecting to this to add that one codicil to this resolution, because it does two things. It says to the State,

"Do not pull the waivers, continue to protect those correction officers." But it also says, as Legislator Bishop mentioned, it also enables us to put the horse in front of the cart, as opposed to the current resolution, which puts the cart in front of the horse.

D.P.O. CARACAPPA:

Legislator Crecca, then Carpenter.

LEG. BISHOP:

Which is bad for the horse.

LEG. CRECCA:

Again, I have to respect -- I have to respectfully disagree with both of my prior colleagues. I don't think that the people, the State Commissioner of Corrections or our Albany representatives are that clueless that they won't see through what is nothing more than, "Hey, let's" -- "we're appropriating money, but we're not really appropriating the money." It has to come back to us and we have to make decisions about what we're going to do before we appropriate the money.

The reality is, is that that's not an appropriation. And that is a -- something, a guise to try to continue a waiver, a problem that we've all been aware for a long, long time. The reality is, if you don't want to vote for this bill, have the guts not to vote for it, then. But the reality is, I'm not going to sit here today and let another day go by where we're putting the waiver in question, the continuation of the waiver, I'm not going to take the chance that I'm going to put our correction officers who work in that jail, for what I don't think is that much money, doing a real tough job, I'm not going to put them in harm's way. And the bottom line is we have a responsibility of Legislators.

There's an election coming up, and I think people are -- want to put this off until after Election Day. Well, you know what, make the decision today. Cast your vote one way or the other. But, you know, we owe it to the men and women who work in that facility, and you've been there and you've -- most of you have seen it, I know that, and it's disgusting and decrepit, the condition of it, and it's overcrowded. And you know what, I'm not going to sit here and ignore this meeting after meeting, and that's why, as one of the sponsors of this bill, I want to move this bill. So either vote for it or don't vote for it, but we all know the issues, we've debated them ad nauseam, and I really don't think, and I've spoken to the State Commissioner, and I don't think he's going to continue to extend that waiver, and I wouldn't blame him for the lack of leadership that this Legislature has shown on this issue. I'm done.

D.P.O. CARACAPPA:

Angie. Angie, you're up.

LEG. CARPENTER:

We had quite a lengthy discussion on this topic at the last meeting and the issue of the waivers, and I think copies of communications from the Commissioner of Corrections were distributed to

the Legislators. And I think that correspondence was very telling, that they had extended our waivers for three months, which, by the way, is a shorter period of time than previous waivers were issued for. So I think they were sending a clear signal here that they would extend waivers, but this is not going on continue to go on. And in the body of the letter, they made it abundantly clear that this County had to demonstrate a commitment to moving forward once and for all with the issue of the space at the jail ail. And it's not putting the cart before the horse, because, certainly, as we're doing this, and everyone knows the process takes time. Us approving this resolution doesn't mean a shovel goes in the ground tomorrow. We know it's a long process. Many of the people that are sitting at this horseshoe complain about the length of time it takes for capital projects to move forward. So, to say that we're going to put this aside or put a condition in here that we can't appropriate any money before the study is done is really foolish.

We need to move forward with this now. We again have talked about it and talk about it. The time to act is now. And, as Legislator Crecca said, we cannot continue to take chances with the men and women who work in that facility. It just isn't fair.

And another issue that came up, and it was mentioned earlier today about the fact that the deadline for us requesting additional waivers is October 6th. October 6th, the Department has to put in their request for an additional waiver. How do you think it looks if we don't act on this resolution, or if we act with strings? It certainly isn't going to look good when it comes time for them granting those waivers. We need to move with this resolution as it is to show once and for all that we are committed to addressing the situation with a long-term solution.

And the further issue of what kind of prisoners are going to be transported, we know for a fact that it's not going to be the model prisoner. It's going to be the model prisoner that goes, it's going to be the trouble-makers that are going to be left behind. That's going to make the situation even worse for the men and women that work in that facility.

And one other anecdotal story that I hope the Department doesn't have a problem with me sharing. They received a call, one of the Under-Sheriffs received a call from one of the facilities Upstate, saying that they had excess capacity, and they heard that Suffolk was probably going to be needing to send out their prisoners. This kind of thing has never happened before. So, if anyone thinks they're joking about pulling the waivers, they're not, folks, and I for one am not going to play chicken. Thank you.

D.P.O. CARACAPPA:

Legislators Binder, Caracciolo, Foley.

LEG. BINDER:

I don't think it's a question of guts, first off. And this is -- you know, have the guts to do it now. This is before election. We don't want to do it before -- that's ridiculous. This is not about an election vote. I don't think anybody here is thinking -- there are a lot of votes we do, that we think about elections that are coming, this is not one of them. This is really a policy vote the people are mulling over and are very concerned about. Legislators on both sides are very concerned.

And I would say to a person sitting here, every Legislator is concerned about Correction Officers. I mean, we are, as a board, responsible for their well-being and their welfare, so I wouldn't think that anyone is not concerned about it. The problem here, we're in a bind. The State's, in a sense, saying, "We want you to walk forward with a blindfold on your head. Put the blindfold on, but just walk forward anyway because, if you don't, then we're going to push you. That's whether you like it or not."

So what the discussion seems to be is that maybe we can come up with a compromise. Now, we sitting here, I don't think any of us will know the reaction. We're surmising the reaction, I could see that. Legislators say, "Well, this is not a joke." Do you think that they'll say, or something with strings is good enough? I don't know. But, then again, I don't know that it won't be. I don't know. Everyone here is kind of surmising what's going to happen.

But I think what should be on the record from every Legislator that speaks today on this resolution is that we are serious about building a jail at whatever cost it takes us. There is not a hesitancy in that, in that fact. We all want to do it. The question is we want to do it right. I think the message to New York State is, "Let us do it right." So there was a compromise crafted.

I don't always agree with Legislator Bishop, in fact, often I don't, but I'm listening to the possibility of crafting a compromise that we don't know won't be okay, we don't know will be okay. It's kind of -- that's what happens with last minute compromises. But I think, if we can send them a copy of the record -- I will say on the record, once we know what we need to do,

I'm ready to vote for it. Whatever it ends up, the cost needs, I'm ready to vote for it. I just want to know what we need to do to satisfy the need in the County for the space, that's it. That's all I care about, but I don't want to be pushed blindfolded. And so I would go on the record, and if every Legislator here says that they would go on the record, I think we can send that record to them and we could let them know we're ready to vote for it, we're not concerned.

It's not an election issue. And I would be careful with that kind of language, because they get the wrong idea in Albany. They hear that we're worried about this being an election. Then that means they're thinking we're worried about the money, or worried that we really want to build this thing. It's not true.

I mean, I don't know of any Legislator here that doesn't want to do the right thing in this. The divide is just in do we do it without the blindfold or with. Do we get pushed whether we like it or not, and I think we shouldn't get pushed.

And so I think there's a compromise that was proposed. I will definitely support the compromise, and I will myself, maybe all of us. How about a joint letter? Send a letter we can craft to Albany saying that we will be building a jail, we are all committed to voting. Put 12 votes, 12 signatures, 13, 14. They'll know there's enough. So let us do a joint letter crafted by Presiding Officer, Counsel, somebody, that says that we are committed in writing. "I will commit" -- "before election, I will commit to voting a jail, no matter what the cost." I just -- we are asking for the time to make sure we do what is correct and necessary from the get-go, not starting a process and driving down a road that might lead us to a facility that is not what we need. That's all we're asking for.

So I think -- I would hope that we can craft this compromise and come to that solution. And if that's possible today, I would support what was discussed. I wouldn't call it a string, I would just call it a giving us a chance for a second look, saying we're all on board, we all want to vote, we're voting for an appropriation, but what we want is a second look at the right time.

D.P.O. CARACAPPA:

Mike Caracciolo.

LEG. CARACCILOLO:

Mr. Chairman, refresh my memory, and perhaps those of the other members of the Legislature,

including Legislator O'Leary, who just joined us last month, with regard to the Jail Utilization Study that never took place.

D.P.O. CARACAPPA:

It's taking place as we speak.

LEG. CARACCIOLO:

It's taking place.

D.P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Okay. But the problem with the Jail Utilization study was that it was to have been done two years ago and --

D.P.O. CARACAPPA:

Not two years, but sometime ago.

LEG. CARACCIOLO:

-- for a variety of reasons, some of which were political, it never happened.

D.P.O. CARACAPPA:

Agreed.

LEG. CARACCIOLO:

You don't -- you said you agree.

D.P.O. CARACAPPA:

I agree.

LEG. CARACCIOLO:

Okay.

LEG. BISHOP:

Not in this -- not in this body.

LEG. CARACCIOLO:

I'm not saying is was in this --

D.P.O. CARACAPPA:

Not here.

LEG. CARACCIOLO:

Not here in the Legislature.

LEG. BISHOP:

We were, all 18, we were --

LEG. CARACCIOLO:

That's right. But the fact of the matter is the representation that somehow we are -- have before us a resolution that writes a check for 150 million dollars for a new facility is incorrect. The resolution before us very clearly in the fifth "whereas" clause states, "County Legislature, by resolution of even date herewith, has authorized the issuance of 1.9 million dollars in serial bonds for the planning and construction of a new replacement correctional facility in Yaphank," 1.9 million. That's all we're bound to by passage of this resolution.

I hear what my colleagues on the other side of the horseshoe are saying and I have some sympathy, and I will keep an open mind as this process moves forward in considering whether or not we need a facility as large as some say we need, versus a study that says we need something less. Let's get the ball rolling. Thank you, Mr. Chairman.

LEG. LINDSAY:

Joe.

D.P.O. CARACAPPA:

I'll put you on the list, Bill. Legislator Foley and Tonna.

LEG. FOLEY:

Thank you, Mr. Chairman. And I commend Legislator Binder for his fine remarks. And I

certainly would be happy to sign that particular letter of intent, that this Legislature does want to move forward in some form with a new jail.

What I would also, though, is this, that if, in fact -- if we don't take a break and if there is no change to this resolution and the resolution fails, then it's my intent, I just spoke with Mr. Ivan Young, is to ask of the prime sponsor of bill, is the Presiding Officer, to amend the resolution along the lines that both Legislator Bishop and I had mentioned, and then call for a special meeting before October 6th in order to approve the resolution, then transmit it forthwith to the State, so it's in time for the deadline of October 6th, which then will show unequivocally, without any strings, the fact that we're appropriating monies in order to move forward, but at the same time, in order to give deference to the process that the monies will be utilized as a result of what the Utilization Study recommends. So I think that's the approach we can take. If there aren't enough votes here today, which there may not be, then I'll be asking for the Presiding Officer to have a special meeting before October 6th to make the changes I mentioned. And if there are those here who don't want to attend, well, then that's something you're going to have to answer to your constituents about.

D.P.O. CARACAPPA:

Look out. Legislator Tonna.

LEG. TONNA:

Just, Budget Review, how much is the study costing us?

LEG. BISHOP:

Needs Assessment?

LEG. TONNA:

Yeah, the assessment.

MR. POLLERT:

It was in the neighborhood of about \$250,000, I believe.

LEG. TONNA:

Okay. And just as a body, does anybody remember the vote? Was it pretty much unanimous, everybody voted for this?

MR. POLLERT:

Yes. There were actually two votes of the Legislature, because the County Treasurer hadn't transferred the funds, so it had to be approved twice.

LEG. TONNA:

So we ask for -- we asked for a study, right, we pay for a study.

MR. POLLERT:

Yes.

LEG. TONNA:

And then say, "But we're willing to make a decision before we get the study." I mean, that's what's --

MR. POLLERT:

With respect to the planning funds.

LEG. TONNA:

-- being presented. We asked for a study, we paid for a study, and we're going to make a decision before the study is done. It seems to me, let's wait.

LEG. CARACCILO:

Mr. Chairman.

D.P.O. CARACAPPA:

There's a long list, but I'm going to go now. Those of you know I have had an objective view on this process from the beginning. I chaired the needs assessment process from the beginning, and I fought with other Legislators to make that needs assessment happen, most recently when it was held up due to politics, Mike, for a year-and-a-half. During that time, most recently, we worked to strike some sort of balance, a compromise, so to speak, as Legislator Binder has been talking about, and we came up with this dual track approach, and that was agreed upon by us, a majority of us, which is -- which dictates here.

The assessment is underway. I've spoken to Pulitzer & Bogard, the principals, on several

occasions, and I know other Legislators have as well, and they're going to be releasing information in phases and bits and pieces before its in its complete form, which will be in the early winter. During that time, as we receive information early, it's going to be given right over to the Sheriff's Department, who is really working well with the consultant who's doing the report and the study, as well as Department of Public Works.

The architects for this project have already been chosen, and that's something maybe you don't know. The RFP was concluded last week, and the architects have been chosen to do the entire project. We have approved quite a bit of preliminary funding, as well, for the -- what would be the embryonic stages of this process. That process alone is going to keep us busy, not us, but the County, the architects, busy well into early of next year, before they start putting pen to paper as to what's going to be the final project of this jail. In the meantime, that report will be finished. In the meantime, some of that information, as I stated, will be shared with the Department of Public Works, and they are really, really looking forward to the needs assessment information as it does come out on a monthly basis and, again, in its total form.

And after speaking with DPW the other day, after they told me they had spoke -- they had awarded a contract for the architect, I asked him straight out, "Are you guys going to move forward without the needs assessment information," and they said, "Absolutely not," they're looking forward to it.

So we have struck a compromise, we have been -- an objective view to the whole entire process. It has been lengthy. It just seems like after we strike one compromise, someone else wants another compromise, that turns into another compromise, that turns into another compromise. The fact of the matter is, Legislator Carpenter is right, no shovel's going in the ground tomorrow. And I know for a fact, no pen to paper will be happening with relation to a new jail, a new facility, until the needs assessment is done, so we can approve this today without any worries about putting the future of this facility in harms way by building something that's going to be obsolete by the time it opens, which I don't think is going to be happening, because we've taken the prudent and important steps throughout this entire process. Legislator Fields.

LEG. FIELDS:

My question was just that, what would happen if this was approved before the needs assessment was completed? Would it alter the planning of the jail and how would that change? But I think

you have answered that, unless someone else can prove to me that it is different for what your response is.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

I appreciate Legislator Foley's attempt to strike a compromise to get us all on the same page with this. However, I don't know whether the State Corrections would look favorably on that compromise, and I'm nervous about that, there's no doubt about it.

The financial impact of all our waivers being pulled at once could be quite traumatic on the fiscal well-being of the County. I do remember, though, over the last year, last year, when we first started to talk about the initial planning money for this project, there was a vehement debate at this horseshoe, and some of my colleagues were very much opposed to it. At the same time, there was another debate about the needs assessment study, and we agreed at that time, as Deputy Caracappa pointed out, that we would move forward on a dual track. I thought we were passed that. But here we are, almost a year later, debating the same thing.

Another thing that was done during the Capital Budget process is that the project was split up into two phases, not to build eleven hundred cells, but to build half of it and wait two years to build the other half. And the rationale behind that was, you know, after needs assessment is applied, after we build half the complex, we might not have to go forward and build the second half of the complex. And I think that was a very responsible way to proceed with this project, because there is a legitimate debate whether we need this size facility or not.

What I know there should be no disagreement about is the facility that we're operating in Yaphank now, which I believe has 600 prisoners in it now; is that correct? Yeah. Is antiquated, it's 50 years old. The toilets are leaking into the hallways. Some of the walls are literally falling down. We have 40 prisoners in one room, which we ask our correction officers, in case of a trouble in that room, to go in and try and break up a fight. We're asking for a lawsuit. Either one of our correction officers is going to get killed, or some of our prisoners are going to get killed, and guess what, people, we're responsible, whichever one happens.

And whatever we do today, I urge us to do something and not just to lay this dormant and to

throw down the gauntlet for the State Corrections.

D.P.O. CARACAPPA:

Legislator Crecca, then Carpenter.

LEG. CRECCA:

Actually, Legislator Caracappa, you stated exactly the points I was going on make regarding where this is project-wise, that there is room for change later on, which I'm open to. I do want to see the needs assessment. I voted in favor of it and argued with the Sheriff over the importance of it, so I agree with that, as most of us do here.

I sat with Bill Lindsay and other Legislators and was at the table negotiating the phase -- the building of this facility, and there was general agreement in this horseshoe for that phased development. So I just -- I'm not going -- I won't repeat their arguments, but I'll just say again, you know, I spoke to some of the Legislators this morning who confirmed the horrid conditions that exist at that jail.

You know, this is hot appropriating 160 million dollars, this is appropriating planning monies. And Legislator Caracappa was correct when he said they've chosen a design firm to start doing some work. And he's right, this is a huge project. They're going to spend the next several months just putting teams together of -- to start working on the project, and to delay it any longer is, as Legislator Lindsay so aptly stated, is just to put prisoners and our employees in harms way. So I ask that we just try to keep the debate to a minimal. We've argued this ad nauseam.

LEG. BISHOP:

Just stop the debate.

LEG. CRECCA:

And let's just try to get to the -- and let's just try to do this.

LEG. CARACCILOLO:

Move the motion.

LEG. VILORIA-FISHER:

Let's vote.

LEG. CARPENTER:

Thank you. I just want to thank Deputy Presiding Officer Caracappa for taking the time and initiative to follow this up with the department, as the Chair of the Public Works Committee. I think he gave us a very good perspective of the process where we're at and where it's going to go, and how Legislator Lindsay said, we had committed to do this on a parallel track.

To think that the Commission of Corrections is going to be satisfied with a letter, when they know full well what's going on down here, they know full well that we've had this resolution, that it has been tabled, and I think now, with the added pressure of knowing that we've got to file October 6th for extension of waivers that we don't even know if we will get unless we act in a -- in a fashion that demonstrates our real commitment. So I would just urge everyone to put whatever feelings you have aside and do the right thing for those that are involved here, especially the men and women who work at the jail, and support this resolution.

D.P.O. CARACAPPA:

Legislator Foley, final word.

LEG. FOLEY:

Thank you, Mr. Chairman. If the State is looking for a good faith gesture on our part, which is part of the reason that it's been put forward for approving this resolution, well, I think they can look -- they need to look no further than the fact that, as was just mentioned earlier and was news to me, that the County has officially hired architects for the architectural planning for this facility, and, certainly, that wouldn't be done unless we were serious about it. Now, that information should be transmitted to the State. And if that isn't enough for the State to not -- to not withdraw the waivers, then I don't know what more evidence they need. But if that's not enough evidence, I think it certainly would -- should be enough, if they want to approach this in a good faith effort that we've expended at least six -- how much money did we spend on the -- through the Chair, to hire architects for the jail? Do we know how much that --

LEG. ALDEN:

This is the money to pay it.

LEG. FOLEY:

No, no, no.

LEG. ALDEN:

Yeah.

LEG. FOLEY:

No, no, no. The RFP --

D.P.O. CARACAPPA:

We did prior monies to start the process.

LEG. FOLEY:

Right. All right. So we approved, I think, 1.2 million; is that not correct?

MR. POLLERT:

Yes.

LEG. FOLEY:

So we've already appropriated those monies. DPW hired architects just last week.

D.P.O. CARACAPPA:

Well, they selected them, they didn't hire any yet.

LEG. FOLEY:

Well, they selected them. If they selected the architects, that information should be sent to the State, saying, "This is an example of where we have appropriated monies, we've hired architects, we're serious about this. We're serious about this." That being the case, that should satisfy their initial concerns, and then, in November, we can approve this resolution that we -- with some other changes that were recommended today. But we've already shown officially, by appropriating monies in the past, by selecting architects as early as last week, that we're serious about this. What more does the State need to know in order not to remove the waivers?

D.P.O. CARACAPPA:

Roll call.

LEG. COOPER:

Mr. Chairman.

D.P.O. CARACAPPA:

Sorry. Legislator Cooper.

LEG. COOPER:

We've heard some eloquent and well spoken arguments on both sides of this issue. I for one, I don't know at this point what the truth is. And, Fred, I guess this question is best directed at you, the holder of the truth. If we proceed with approving this resolution now before us, and at some point down the road the Needs Assessment Study is completed, and the study determines that we don't need a maximum security facility after all, do we have the ability, as a Legislative body, to change from a maximum security to a minimum, or make any other changes that we see fit based on the results of that study?

MR. POLLERT:

That's really a question for the Department of Public Works. The resolution before you would provide a total, together with previously appropriated funds, of approximately 3 million dollars, so, they could do 3 million dollars worth of work. The County has in the past changed design plans. So, years ago, when the pods were constructed in Riverhead, they were supposed to be maximum security. The new Sheriff decided that he wanted medium security. He stopped the entire process. We had to abandon quite a few of the pilings that had already been placed, and the entire progress was redrawn.

I'm not sure how much progress the Department of Public Works intends to make with respect to this project. If the needs assessment comes back and says that a different type of facility needs to be done, I don't know how much money would be lost redrawing the plans. Clearly, the total plan and cost of this project is going to be closer to.

15 million dollars, so the 3.3 million dollars that has previously been appropriated together with this resolution is just going to be the beginning of a very expensive process. I don't know how much ground they're going to cover with the first 3 million dollars.

LEG. COOPER:

And what is the best estimate, and if anyone can answer this, as to when the study is expected

to be completed.

D.P.O. CARACAPPA:

I mentioned earlier in my statements, Jonathan, they're going to phase the information as they codify it. They're hoping for some information to be done and presented to those who want to see it in October, and then again a couple of months later, but the final product, the entire study should be done early winter, late January, February.

LEG. COOPER:

And does anyone have any idea as to how much, if construction -- if ground was broken before that date? What I'm getting at is how much of an investment, worst case, could we be making before the results of the study are made available, so if we wanted to, based on the results of that study, change the plans, what is our exposure?

MR. POLLERT:

That is really a question that has to be addressed to the Department of Public Works, because I'm not sure if this first 3 million dollars worth of planning would dictate what the future plans are. So if they decide to do maximum security and draw the plans accordingly for the first 3 million dollars and then decide that they don't want maximum security, I'm not sure to what extent those plans would not be able to be ported over to a new type of a plan design. So I have no idea how much potentially would be lost.

D.P.O. CARACAPPA:

Jonathan, earlier I stated, I don't know if you heard me, the process, the process won't be underway for sometime. If we approve this today, it doesn't mean really anything other than we're appropriating a certain amount of the dollars towards the beginning stages of the process. DPW, as I mentioned earlier, is basically just putting together teams with the group that they're - they've selected. They're going to be doing that for months before they're ready to put pen to paper actually deciding what's going to be in the jail. By then, the needs assessment will be completed in its entirety.

And the true planning and design of the facility, regardless of maximum or medium, will not be decided until well after the needs assessment is concluded, and this today has no bearing on whether the needs assessment is going to run out of time, so to speak, and be implemented. It most definitely will. Even if we approved this last month, it's still going to be used and used in a

timely fashion, based on the lengthy time process that's involved in the entire process altogether.

LEG. COOPER:

My concern is that there's some Legislators that clearly share your position, and others that are just as heartfelt in taking a different position. I wish that there was someone independent of us that can give us a clear --

LEG. TONNA:

That's you, that's you. You've got to make that decision yourself.

D.P.O. CARACAPPA:

Well, Jon, I think I've had a very independent view of the whole entire process and --

LEG. CRECCA:

The buck stops here.

D.P.O. CARACAPPA:

-- that's why I feel very confident in what I'm saying, having had my pulse on this project for four, four-and-a-half years now. And I've tried to bring an independent view to the entire process, that's why I held it up with -- along with other colleagues of mine. That's why we made sure that there was the process involved, that we took our time, that we held things down, that the Sheriff's Department and I had fights back and forth, and it was -- that's all part of a good process, all part of an independent process, all part of a process that shows that we've exhausted every effort to make sure that we come with a facility that is done in a timely fashion, but also one that is right for the County, that isn't obsolete before we cut the ribbon, and one that meets our needs. So I can honestly say I've had an independent view towards the entire process and I think we're ready.

LEG. CARPENTER:

Roll call.

LEG. CRECCA:

Roll call.

LEG. CARPENTER:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. CRECCA:

Yes.

LEG. TONNA:

This is to approve?

MR. BARTON:

Yes.

LEG. GULDI:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Pass.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

No.

LEG. TONNA:

Abstain.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. BISHOP:

Profiles in Courage.

MR. BARTON:

Thirteen. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

I'd like to make a motion to waive the rules and lay on the table 1846.

MS. BURKHARDT:

You need same motion, same second, same vote on the bond.

D.P.O. CARACAPPA:

Oh, I did.

MS. BURKHARDT:

Oh, you did?

D.P.O. CARACAPPA:

Did that. 1846, which will go to Parks, and also 1847, which will go to Human Services. All in favor? Opposed? Abstentions? Those are the late-starters. And we are adjourned.

[THE MEETING WAS ADJOURNED AT 5:50 P.M.]

{ } Indicates Spelled Phonetically